



# भारत का राजपत्र The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate paging is given to this Part in order that it may be filed as a separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)  
केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administrations of Union Territories)

मंत्रिमंडल सचिवालय  
(कार्मिक और प्रशासनिक सुधार विभाग)  
शुद्धि पत्र

नई दिल्ली, 22 फरवरी, 1977

का० आ० 733.—का०आ० 4354, पृष्ठ 3980 :

- (क) मुख्य शीर्षक में 'उपबन्धक' के स्थान पर 'उपबन्धक' पढ़ा जाए।  
(ख) मुख्य शीर्षक के तत्काल नीचे के खाने 2 में 'नाम' के स्थान पर 'नाम' पढ़ा जाये।  
(ग) मुख्य शीर्षक के तत्काल नीचे के खाने 4 में 'पनाहटी' के स्थान पर 'पनाहटी' पढ़ा जाये।  
(घ) क्र० सं० 5 के अन्तर्गत खाने 2 में 'अल्पम' के स्थान पर 'अल्पम' पढ़ा जाये।  
(ङ) क्र० सं० 6 के अन्तर्गत खाने 2 में 'पञ्चमकापुरी' के स्थान पर 'पञ्चमकापुरी' और 'कीलामबेल' के स्थान पर 'कीलामबेल' पढ़ा जाये।  
(च) क्र० सं० 10 के अन्तर्गत खाने 2 में '(क्राइस्ट ट्रान्सिपिटल)' के स्थान पर 'क्राइस्ट ट्रान्सिपिटल' पढ़ा जाये।  
(छ) क्र० सं० 12 के अन्तर्गत खाने 2 में 'पुत्र-मनिकम' के स्थान पर 'पुत्र-मनिकम' पढ़ा जाये।

पृष्ठ 3981 :

(ज) क्र० सं० 13 के अन्तर्गत खाने 2 में 'जॉर्ज नीधुनगोटिल' के स्थान पर 'जॉर्ज नीधुनगोटिल' पढ़ा जाये।

(झ) क्र० सं० 16 के अन्तर्गत खाने 2 में 'चेट्टियार' के स्थान पर 'चेट्टियार' पढ़ा जाये।

(ञ) क्र० सं० 20 के अन्तर्गत 'वीनयाकथु' के स्थान पर 'वीनयाकथु' पढ़ा जाये।

(ट) क्र० सं० 28 के अन्तर्गत खाने 2 में 'पण्ड्या' के स्थान पर 'पण्ड्या' पढ़ा जाये।

पृष्ठ 3982 :

(ठ) क्र० सं० 31 के अन्तर्गत खाने 3 में '1973 वि०सु० वि० अधिनियम' के स्थान पर 'वि०सु० वि० अधिनियम, 1973' पढ़ा जाये।

का०आ० 4355, पृष्ठ 3984 :

(ड) मुख्य शीर्षक के अधीन खाने में 'ब्यौर' के स्थान पर 'ब्यौरे' पढ़ा जाये।

(ढ) क्र० सं० 1 के अन्तर्गत खाने 2 में 'के/सारा' के स्थान पर 'के/सारा' पढ़ा जाये।

पृष्ठ 3985 :

(ग) क्र० सं० 2 के अन्तर्गत खाने 3 के अन्त में 'धारा 5(1) (कक) (1973 के वि० मु० वि० अधिनियम की धारा 9(1)(ख) और 9(1)(ख)(i) के स्थान पर 'वि० मु० वि० अधिनियम, 1947 की धारा 5(1)(कक) और वि० मु० वि० अधिनियम, 1973 की धारा 9(1)(ख) और 9(1)(च)(i)' पढ़ा जाये।

(त) क्र० सं० 10 के अन्तर्गत खाने 5 में 'ड्राफ्ट का र० 3,300' के स्थान पर 'र० 3,300 का ड्राफ्ट' पढ़ा जाये।

(थ) क्र० सं० 24 के अन्तर्गत खाने 5 में 'आस्ट्रेलियन' के स्थान पर 'आस्ट्रेलियन डॉलर' पढ़ा जाये।

(द) क्र० सं० 28 के अन्तर्गत खाने 2 में 'श्री आर० डिकी, 2 एल० जेम्स' के स्थान पर 'श्री आर० डाइसी' पढ़ा जाये।

(घ) क्र० सं० 28 के अन्तर्गत खाने 3 में '—' के स्थान पर 'वि० मु० वि० अधिनियम, 1973 की धारा 8(1) और 8(2)' पढ़ा जाये।

(न) क्र० सं० 28 के अन्तर्गत खाने 4 में से '+250' निकाल दिया जाये।

[सं. टी० 19/31-कोर्ड/75]

आर० ए० ओपड़ा, सहायक निदेशक

#### CABINET SECRETARIAT

(Department of Personnel and Administrative Reforms)

#### CORRIGENDUM

New Delhi, the 22nd February, 1977

S.O. 733—Notification No. S.O. 4354 at pages 3982 to 3984 :

- (a) Against S. No. 1 col. 2 in place of "M/s. Rev. Fr. Susainathan" read "Rev. Fr. G. Susainathan".
- (b) Against item 4(i) under col. 2 in place of "Rani" read "Remi".
- (c) Against item 7 under col. 2 in place of "No. 10-1-1673/A" read "No. 10-1-673/A".
- (d) Against item 10 under col. 2 in place of "Chirsta" read "Christ".
- (e) Against item No. 11 under col. 3 in place of "5(a)-(aa)" read "5(1)(aa)".
- (f) Against item 13 under col. 3 after "&" read "4(2)".
- (g) Against item 18 under col. 3 in place of "5(a)(aa)" read "5(1)(aa)".
- (h) Against item 22 under col. 3 in place of "5(a)(aa)" read "5(1)(aa)".
- (i) Against item 24 under col. 3 in place of "5(a)(aa)" read "5(1)(aa)" and in place of "4(a)" read "4(1)".
- (j) Against item 25 under col. 3 in place of "5(a)(aa)" read "5(1)(aa)".
- (k) Against item 27(ii) under col. 5 after "U.S." insert "\$".
- (l) Against item 31 under col. 3 in place of "Sec. 8(1) r/w Sec. 64(1) of FERA, 62(2) 1973" read "Sec. 8(1) r/w Sections 64(1) and 64(2) of FERA 1973".
- (m) Against item 35 under col. 5 in place of "U.S." read "U.S. \$" and in place of "Com" read "Can. \$".

Notification No. S.O.4355 at pages 3986 to 3988.

- (a) Against item 2 under col. 3 in place of "Ss. 5(1)(aa) 9(1)(b) & of FERA of 1973, 9(1)(f)(i)" read "Sec. 5(1)(aa) of FERA, 1947 and Ss 9(1)(b) and 9(1)(f)(i) of FERA 1973".
- (b) Against item 3 under col. 3 in place of "Ss. 8(1) of FERA of 1973 read with S. 64(1)" read "Sec. 8(1) read with Sec. 64(1) of FERA 1973".

(c) Against item 11 under col. 2 in place of "Indust" read "Indus".

(d) Against item 18 under col. 2 in place of "Aykarr" read "Aykara".

(e) Against item 28 under col. 2 the words "2, L. James" may be deleted.

(f) Against item 28 under col. 3 insert "Ss. 8(1) and 8(2) of FERA 1973".

(g) Against item 28 under col. 4, the figure "+250" may be deleted.

[No. T 13/31-Coord/75]

R. N. CHOPRA, Asstt. Director

#### विधि, स्थाय और कंपनी कार्य मंत्रालय

(न्याय विभाग)

नोटिस

नई दिल्ली, 25 फरवरी, 1977

क्र० आ० 734.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटेरीज रूल्स) 1956 के नियम, 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को नन्द किशोर पारीक, एडवोकेट, जयपुर, राजस्थान ने उक्त नियमों के नियम 4 के अधीन, जयपुर में लेख्य प्रमाणक (नोटेरी) का काम करने की नियुक्ति के लिये आवेदन-पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियां हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें :

[सं० 22/2/75-न्याय]

आर० वासुदेवन, सक्षम प्राधिकारी

#### MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Justice)

NOTICE

New Delhi, the 25th February, 1977

S.O. 734.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Nand Kishore Pareek, Advocate, Jaipur (Rajasthan) for appointment as a Notary to practise in Jaipur.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. 22/2/75-Jus]

R. VASUDEVAN, Competent Authority and Dy Secy.

#### गृह मंत्रालय

नई दिल्ली, 24 फरवरी, 1977

क्र० आ० 735.—राष्ट्रपति, संविधान के अनुच्छेद 239 के खंड (1) के अनुसरण में और भारत सरकार के गृह मंत्रालय की अधिसूचना क्र० आ० 64, तारीख 21 दिसम्बर, 1976 की अधिकांश करने हुए, यह निर्देश करते हैं कि सभी संघ राज्य क्षेत्रों के प्रशासक (जहाँ उन्हें उपराज्यपाल, मुख्य-भार्युक्त या प्रशासक जो भी कहा जाता हो), राष्ट्रपति के नियंत्रणाधीन और आगे आवेश होने तक, अपने-अपने संघ राज्य क्षेत्रों के भीतर

सरकारी स्थान (अप्राधिकृत अधिभोगियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 के अधीन केन्द्रीय सरकार की शक्तियों का प्रयोग और कृत्यों का पालन भी करेंगे।

[सं. यु०-11030/5/76-यू०टी०ए०]

हरीश चन्द्र बक्षी, अवर सचिव

### MINISTRY OF HOME AFFAIRS

New Delhi, the 24th February, 1977

**S.O. 735.**—In pursuance of clause (1) of article 239 of the Constitution, and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 64, date the 21st December, 1976, the President hereby directs that the Administrators of all Union territories (whether known as Lieutenant Governor, Chief Commissioner or Administrator), shall, subject to the control of the President and until further orders, also exercise the powers and discharge the functions of the Central Government under section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), within their respective Union territories.

[No. U-11030/5/76-UTL]

H. C. BAKSHI, Under Secy.

### विश्व मंत्रालय

### राजस्व और बैंकिंग विभाग

(राजस्व पक्ष)

नई दिल्ली, 11 जनवरी, 1977

### आय-कर

**का०आ० 736**—सर्वसाधारण की जानकारी के लिये अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को अन्य प्राकृतिक तथा अनुप्रयोगिक विज्ञान के क्षेत्र में आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिये निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

- (1) यह कि कर्नाटक विश्वविद्यालय, धारवाड़ वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का हिसाब पृथक से रखेगा।
- (2) उक्त विश्वविद्यालय प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान सम्बन्धी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल, तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिये अधिकाधिक किये जायें और उसे सूचित किये जायें।

संस्था का नाम

कर्नाटक विश्वविद्यालय, धारवाड़

यह अधिसूचना 24 अगस्त, 1976 से प्रभावी होगी।

[सं० 1617/फा० सं० 203/138/76-आई०टी०ए०-2]

### MINISTRY OF FINANCE

(Department of Revenue & Banking)

(Revenue Wing)

New Delhi, the 11th January, 1977

### INCOME-TAX

**S.O. 736.**—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act,

1961, in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Karnatak University, Dharwar will maintain a separate account of the sums received by it for scientific research.
- (ii) that the said University will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

### INSTITUTION

Karnatak University, Dharwar.

This notification takes effect from 24th August, 1976.

[No. 1617/F. No. 203/138/76-ITA.II]

नई दिल्ली, 13 जनवरी, 1977

### आय-कर

**का०आ० 737**—सर्वसाधारण की जानकारी के लिये अधिसूचित किया जाता है कि विहित अप्राधिकारी, अर्थात् समाज विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनों के लिये निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

- (1) यह कि कर्नाटक विश्वविद्यालय, धारवाड़ छूट के अधीन संग्रहीत राशियों का हिसाब पृथक से रखेगा।
- (2) यह कि ऐसी रकम का उपयोग केवल समाज विज्ञान में अनुसंधान के प्रयोजन के लिये किया जायेगा, और
- (3) यह कि कर्नाटक विश्वविद्यालय भारतीय समाज विज्ञान अनुसंधान परिषद्, नई दिल्ली की छूट के अधीन संग्रहीत रकम और वह रीति दर्शाते हुए जिनमें उनका उपयोग किया गया है वार्षिक रिपोर्ट भेजेगा।

### संस्था

कर्नाटक विश्वविद्यालय, धारवाड़

यह अधिसूचना 1 दिसम्बर, 1976 से तीन वर्ष की अवधि तक प्रभावी रहेगी।

[सं० 1621/फा० सं० 203/138/76-आई०टी०ए० 2]

New Delhi, the 13th January, 1977

### INCOME-TAX

**S.O. 737.**—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research, the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

- (i) That the Karnatak University, Dharwar, shall maintain separate accounts of the funds collected by them under the exemption
- (ii) That such funds shall be utilised exclusively for promotion of research in Social Sciences; and
- (iii) That the Karnatak University shall send an Annual Report to the Indian Council of Social Science Research, New Delhi, showing the funds collected under the exemption and the manner in which the funds were utilised.

### INSTITUTION

Karnataka University, Dharwar.

This notification is effective for a period of three years with effect from 1st December, 1976.

[No. 1621/F. No. 203/138/76-ITA.II]

नई दिल्ली, 18 जनवरी, 1977

आय-कर

का०आ० 738—सर्वसाधारण की जानकारी के लिये अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली, ने निम्नलिखित संस्था का आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिये निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (1) यह कि संगीत महाभारती, मुम्बई वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का हिसाब पृथक् से रखेगा।
- (2) यह कि संगीत महाभारती, मुम्बई प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान सम्बन्धी क्रिया कलापी की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किये जायें।

संस्था का नाम

संगीत महाभारती, मुम्बई

यह अधिसूचना 1 अप्रैल, 1976 से 31 मार्च, 1979 तक प्रवृत्त रहेगी।

[सं० 1627/फा०सं० 203/21/76-आई०टी०ए०-2]  
टी० पी० ज़ुनजुनवाला, निदेशक

New Delhi, the 18th January, 1977

## INCOME-TAX

S.O. 738.—It is hereby notified for general information that the institution mentioned below has been approved by Secretary, Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

- (i) that the Sangit Mahabharati, Bombay, will maintain a separate account of the sums received by it for scientific research.
- (ii) That the Sangit Mahabharati, Bombay will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

## INSTITUTION

The Sangit Mahabharati, Bombay.

This notification is effective from 1st April, 1976 to 31st March, 1979.

[No. 1627/F. No. 203/21/76-ITA. II]  
T. P. JHUNJHUNWALA, Director

नई दिल्ली, 21 जनवरी, 1977

आय-कर

का०आ० 739—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री एम० कन्नन को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. अधिसूचना सं० 469 (फा०सं० 404/138/73-आई०टी०सी०सी०) तारीख 10-9-1973 के अधीन श्री टी०शान्मुगम की नियुक्ति रद्द की जाती है।

3. यह अधिसूचना श्री एम० कन्नन के कार वसूली अधिकारी के रूप में कार्य-भार ग्रहण करने की तारीख से प्रवृत्त होगी।

[सं० 1628/फा०सं० 404/7/77-आई०टी०सी०सी०]

New Delhi, the 21st January, 1977

## INCOME-TAX

S.O. 739.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri S. Kannan who is a Gazetted Officer of the Central Government to exercise the powers of Tax Recovery Officer under the said Act.

2. The appointment of Shri T. Shanmugam made under Notification No. 469 (F. No. 404/138/73-ITCC) dated 10-9-1973 is hereby cancelled.

3. This Notification shall come into force with effect from the date Shri S. Kannan takes over as Tax Recovery Officer.

[No. 1628/F. No. 404/7/77-ITCC]

आय-कर

का०आ० 740—अधिसूचना सं० 1357 (फा०सं० 404/126/76-आई०टी०सी०सी०) तारीख 17-6-1976 के अधीन की गई श्री जगमम कनोजिया की नियुक्ति वृत्त रद्द की जाती है।

[सं० 1630/फा०सं० 404/126/76-आई०टी०सी०सी०]

एच० वेन्कटरमण, उप-सचिव

## INCOME-TAX

S.O. 740.—The appointment of Shri Jagram Kanojia made under Notification No. 1357 (F. No. 404/126/76-ITCC) dated 17-6-1976 is hereby cancelled with immediate effect.

[No. 1630/F. No. 404/126/76-ITCC]

H. VENKATARAMAN, Dy. Secy.

प्रादेश

नई दिल्ली, 23 फरवरी, 1977

स्टाम्प

का०आ० 741—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9, की उपधारा (i) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा, स्टेट इण्डस्ट्रियल एण्ड इन्वेस्टमेंट कॉर्पोरेशन आफ महाराष्ट्र लिमिटेड, मुम्बई को, उक्त निगम द्वारा जारी किये जाने वाले 4 करोड़ रुपये अधिक मूल्य के ऋण-पत्रों के रूप में वध-पत्रों पर, स्टाम्प शुल्क के मद्दे प्रभाप्य तीन लाख रुपये मात्र के समकित स्टाम्प शुल्क का सदाय करने की अनुज्ञा देती है।

[गव्वा 5/77-स्टाम्प-फा०सं० 33/2/77-वि०क०]

## ORDER

New Delhi, the 23rd February, 1977

## STAMPS

S.O. 741.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the State Industrial and Investment Corporation of Maharashtra Limited, Bombay, to pay consolidated stamp duty of

three lakhs of rupees only, chargeable on account of the Stamp duty on bonds in the form of debentures of the face value of four crores rupees to be issued by the said Corporation.

[No. 5/77-Stamp-F. No. 33/2/77-ST]

#### आदेश

क्रा०आ० 742.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, महाराष्ट्र राज्य वित्तीय निगम, यम्हर्स्ट को, उक्त निगम द्वारा जारी किये जाने वाले चार करोड़ पचास लाख रुपये के अंकित मूल्य के शिक्के के रूप में बंधपत्रों पर स्टाम्प शुल्क के रूप में प्रभावी केशन वन लाख इकहत्तर हजार दो सौ पचास रुपये समकित स्टाम्प शुल्क संदत्त करने की अनुज्ञा देती है।

[सं० 6/77-स्टाम्प-फा० सं० 33/17/77-वि० क०]

#### ORDER

S.O. 742.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Maharashtra State Financial Corporation, Bombay, to pay consolidated stamp duty of three lakhs seventy one thousand two hundred and fifty rupees only, chargeable on account of the stamp duty on bonds in the form of debentures of the face value of four crores and ninty five lakhs of rupees to be issued by the said Corporation.

[No. 6/77-Stamp-F. No. 33/17/77-ST]

#### आदेश

क्रा०आ० 743.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उस शुल्क से जो उड़ीसा राज्य वित्तीय निगम द्वारा बचन-पत्रों के रूप में जारी किये गये पञ्चवीं लाख रुपये मूल्य के 6½ प्रतिशत उड़ीसा राज्य वित्तीय निगम बंध-पत्र, 1985 (द्वितीय निगम) पर उक्त अधिनियम के अधीन प्रभावी है, छूट देती है।

[सं० 7/77-स्टाम्प-फा० सं० 33/18/77-वि० क०]

#### ORDER

S.O. 743.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the 6½ per cent Orissa State Financial Corporation Bonds, 1985 (2nd issue) issued in the form of promissory notes to the value of twenty five lakhs of rupees, by the Orissa State Financial Corporation, are chargeable under the said Act.

[No. 7/77-Stamp-F. No. 33/18/77-ST]

#### आदेश

क्रा०आ० 744.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 का उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उस शुल्क से, जो हरियाणा वित्तीय निगम द्वारा जारी किये जाने वाले एक करोड़ पैंसठ लाख रुपये मूल्य के बचन-पत्रों के रूप में बंध-पत्रों पर उक्त अधिनियम के अधीन प्रभावी है, छूट देती है।

[सं० 9/77-स्टाम्प-फा० सं० 471/91/76-सी० शु० 1-वि० क०]

एम० डी० रामस्वामी, धवर सचिव

#### ORDER

S.O. 744.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the bonds in the form of promissory notes to the value of one crore and sixty five lakhs of rupees to be issued by the Haryana Financial Corporation, are chargeable under the said Act.

[No. 9/77-Stamp-F. No. 471/91/76-Cus. VII/ST]

S. D. RAMASWAMY, Under Secy

#### (बैंकिंग पक्ष)

नई दिल्ली, 18 फरवरी, 1977

क्रा०आ० 745.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषित करती है कि उक्त अधिनियम की धारा II की उपधारा (1) के उपबन्ध 1 मार्च, 1976 से प्रारम्भ होकर 28 फरवरी, 1977 को समाप्त होने वाली अवधि के लिए कामरूप डिस्ट्रिक्ट सेंट्रल कोऑपरेटिव बैंक लिमिटेड, गोहाटी-3 पर लागू नहीं होंगे।

[सं० एफ-8/3/77-ए० सी०]

#### (Banking Wing)

New Delhi, the 18th February, 1977

S.O. 745.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Kamrup District Central Co-operative Bank Ltd., Gauhati-3 for the period from 1 March 1976 to 28 February 1977.

[No. F. 8/3/77-AC]

क्रा०आ० 746 —बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषित करती है कि उपर्युक्त अधिनियम की धारा 31 और बैंककारी विनियमन (सहकारी समितियाँ) नियमावली, 1966, के नियम 10 के उपबन्ध, 'औरंगाबाद पीपल्स कोऑपरेटिव बैंक लिमिटेड, औरंगाबाद' पर उस सीमा तक लागू नहीं होंगे जहाँ तक कि उनका संबंध इस बैंक द्वारा लेखा-परीक्षक की रिपोर्ट के साथ 30 जून, 1976 को समाप्त होने वाले वर्ष के तुलना-पत्र और लाभ हानि लेखा के समाचार पत्र में प्रकाशित होने से है।

[सं० एफ 8/3/77-ए०सी०]

बी० एन० बहादुर, उप-सचिव

S.O. 746.—In exercise of the powers conferred by the section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and Rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the Aurangabad Peoples'

Co-operative Bank Ltd., Aurangabad in so far as they relate to the publication of its balance sheet, profit and loss account for the year ended the 30th June 1976 together with the auditor's report in a newspaper.

[No. F. 8/5/77-AC]

V. N. BAHADUR, Dy. Secy.

नई दिल्ली, 21 फरवरी, 1977

कां.आ. 747.—गोवा, दमन और दीव (बैंक पुनर्गठन) विनियमन, 1962 के विनियम 4(1) के अधीन प्रवृत्त शक्तियों का प्रयोग करते हुए, एवं दिनांक 2 सितम्बर, 1975 की अधिसूचना सं. 22(7)-बी ओ III/75 के क्रम में, केन्द्रीय सरकार एतद्वारा निदेश देती है कि जब भी 'बैंको नेशनल अल्ट्रामारिनी एंड कैशा इकोनोमिका व गोवा' के वर्तमान कस्टोडियन, श्री एम. एम. पारान्दे छुट्टी पर जाते हैं अथवा स्थान छोड़ते हैं तो भारतीय स्टेट बैंक, पणजी (गोवा) के 'सी एंड आई' प्रभाग, के श्री जे. सी. उमरीगर, श्री पारान्दे की अनुपस्थिति में कस्टोडियन के रूप में कार्य करेंगे।

[सं. 22(9)-बी.ओ. III-76]

New Delhi, the 21st February, 1977

S.O. 747.—In exercise of the powers conferred under Regulation 4(1) of the Goa, Daman and Diu (Banks Reconstruction) Regulation, 1962, and in continuation of notification No. 22(7)-B.O. III/75 of 2nd September 1975 the Central Government hereby directs, that whenever Shri S. M. Parande, the present Custodian of Banco National Ultramarino and Caixa Economica De Goa, proceeds on leave or goes out of station, Shri J. C. Umrigar, C & I Division, State Bank of India, Panaji (Goa) shall discharge the duties as the Custodian in the absence of Shri Parande.

[No. 22(9)-B.O. III-76]

### भारतीय रिजर्व बैंक

#### RESERVE BANK OF INDIA

नई दिल्ली, 21 फरवरी, 1977

New Delhi, the 21st February, 1977

कां.आ. 749.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसर्ग में फरवरी, 1977 के दिनांक 11 का समाप्त हुए सप्ताह के लिए लेखा

S.O. 749.—An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 11th day of February, 1977.

#### ISSUE DEPARTMENT

देयताएं LIABILITIES	रुपये Rs.	रुपये Rs.	आस्तियां ASSETS	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए नोट Notes held in the Banking Department	11,58,28,000		मोने का सिक्का और वूलियन Gold Coin and Bullion		
संचलन में नोट Notes in Circulation	7580,43,50,000		(क) भारत में रखा हुआ (a) Held in India	187,80,45,000	
जारी किये गये कुल नोट Total Notes issued			(ख) भारत के बाहर रखा हुआ (b) Held outside India	..	
			विदेशी प्रतिभूतियां Foreign Securities	1071,73,97,000	
		7592,01,78,000	गोल्ड TOTAL		1259,54,42,000
			रुपये का सिक्का Rupee Coin		12,36,28,000
			भारत सरकार की रुपया प्रतिभूतियां Government of India Rupee Securities		6320,11,08,000
			इसी विनियम विल और दूसरे वाणिज्य-पत्र Internal Bills of Exchange and other commercial paper		..
कुल देयताएं Total Liabilities		7592,01,78,000	कुल आस्तियां Total Assets		7592,01,78,000

दिनांक :  
Dated : the 16th day of February, 1977.

के. एस. कृष्ण स्वामी, उप-गवर्नर  
K. S. KRISHNASWAMY, Dy. Governor

नई दिल्ली, 22 फरवरी, 1977

कां.आ. 748.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषित करती है कि उपर्युक्त अधिनियम की धारा 9 के उपबंध 6 फरवरी, 1978 तक 'द ओरिएण्टल बैंक आफ कामसे लिमिटेड, नई दिल्ली' पर उस सीमा तक लागू नहीं होंगे जहां तक कि उनका संबंध इस बैंक द्वारा मेरठ शहर के बाजार बजाजा में धृत निम्नलिखित अचल सम्पत्ति से हैं, अर्थात्:—

- (1) दुकान सं. 405 व 406; और
- (2) दुकान व मकान सं. 420, 421 और 422 (दुकानें) तथा मकान सं. 85।

[सं. 15(2)-बी.ओ. III-77]

मे. भा. उमगावकर, अव्वर सचिव

New Delhi, the 22nd February, 1977

S.O. 748.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act, shall not apply to the 'Oriental Bank of Commerce Ltd., New Delhi' in respect of the following immovable properties, viz.,

- (i) Shops Nos. 405 and 406; and
- (ii) Shop-cum-House Nos. 420, 421 and 422 (shops) and House No. 85

both held by it at Bazar Bazaza, Meerut City, till the 6th February, 1978.

[No. 15(2)-B.O. III/77]

M. B. USGAONKAR, Under Secy.

11 फरवरी, 1977 को भारतीय रिज़र्व बैंक के बैंकिंग विभाग के कार्यकलाप का विवरण  
Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 11th February, 1977

देयताएं LIABILITIES	रुपये Rs.	आस्तिया ASSETS	रुपये Rs.
शुद्धता पूंजी Capital Paid Up . . . . .	5,00,00,000	नोट Notes . . . . .	11,58,28,000
आरक्षित निधि Reserve Fund . . . . .	150,00,00,000	रुपये का सिक्का Rupee Coin . . . . .	5,18,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि National Agricultural Credit (Long Term Operations) Fund . . . . .	400,00,00,000	छोटा सिक्का Small Coin . . . . .	4,55,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund . . . . .	145,00,00,000	खरीदे और धुनाये गये बिल Bills Purchased and Discounted :—	
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि National Industrial Credit (Long Term Operations) Fund . . . . .	540,00,00,000	(क) देशी (a) Internal . . . . .	169,33,99,000
जमा राशियां :— Deposits :—		(ख) विदेशी (b) External . . . . .	..
(क) सरकारी (a) Government		(ग) सरकारी खजाना बिल (c) Government Treasury Bills . . . . .	216,71,02,000
(i) केन्द्रीय सरकार (i) Central Government . . . . .	53,18,17,000	विदेशों में रखा हुआ बकाया Balances Held Abroad . . . . .	1397,04,50,000
(ii) राज्य सरकारें (ii) State Governments . . . . .	13,10,72,000	निवेश Investments . . . . .	159,37,88,000
(ख) बैंक (b) Banks		ऋण और अधिम Loans and Advances to :—	
(i) अनुसूचित वाणिज्य बैंक (i) Scheduled Commercial Banks . . . . .	835,10,13,000	(i) केन्द्रीय सरकार को (i) Central Government . . . . .	..
(ii) अनुसूचित राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks . . . . .	26,48,69,000	(ii) राज्य सरकारों को (ii) State Governments . . . . .	82,80,46,000
(iii) गैर-अनुसूचित राज्य सहकारी बैंक (iii) Non-Scheduled State Co-operative Banks . . . . .	1,94,84,000	ऋण और अधिम Loans and Advances to :—	
(iv) अन्य बैंक (iv) Other Banks . . . . .	88,37,000	(i) अनुसूचित वाणिज्य बैंकों को (i) Scheduled Commercial Banks . . . . .	931,66,98,000
(ग) अन्य (c) Others . . . . .	1981,17,06,000	(ii) राज्य सहकारी बैंकों को (ii) State Co-operative Banks . . . . .	382,69,99,000
		(iii) दूसरों को (iii) Others . . . . .	5,75,00,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण, अधिम और निवेश Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(क) ऋण और अधिम :— (a) Loans and Advances to :—	
		(i) राज्य सरकारों को (i) State Governments . . . . .	75,24,46,000
		(ii) राज्य सहकारी बैंकों को (ii) State Co-operative Banks . . . . .	17,20,74,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को (iii) Central Land Mortgage Banks . . . . .	..
		(iv) कृषि पुनर्वित्त और विकास निगम को (iv) Agricultural Refinance and Development Corporation . . . . .	137,95,00,000
		(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश (b) Investment in Central Land Mortgage Bank Debentures . . . . .	9,04,16,000

देयताएं LIABILITIES	रुपये Rs.	आस्तिथियां ASSETS	रुपये Rs.
बिल भुगतान		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम	
Bills Payable . . . . .	94,98,98,000	Loans and Advances from National Agri- cultural Credit (Stabilisation) Fund . . . . .	
अन्य देयताएं		राज्य सहकारी बैंकों को ऋण और अग्रिम	
Other Liabilities . . . . .	812,60,27,000	Loans and Advances to State Co-operative Banks . . . . .	82,11,99,00 0
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्धन) निधि से ऋण, अग्रिम और निवेश	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(क) विकास बैंक को ऋण और अग्रिम	
		(a) Loans and Advances to the Develop- ment Bank . . . . .	4,86,01,51,000
		(ख) विकास बैंक द्वारा जारी किये गये बॉन्ड/डिबेंचर्स में निवेश	
		(b) Investment in bonds debentures issued by the Development Bank. . . . .	..
		अन्य आस्तिथियां	
		Other Assets . . . . .	894,45,54,000
रुपये Rupees . . . . .	5059,47,23,000	रुपये Rupees . . . . .	5059,47,23,000

दिनांक 16 फरवरी, 1977

Dated the 16th day of February, 1977.

नई दिल्ली, 22 फरवरी, 1977

क्रा०आ० 750.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (6) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा भारतीय स्टेट बैंक, स्थानीय मुख्य कार्यालय, कानपुर के स्टाफ अधिकारी, श्री एम० चिन्तामणि को, गोरखपुर क्षेत्रीय ग्रामीण बैंक, गोरखपुर, के अध्यक्ष, श्री के० डी० अग्रवाल के 7 मार्च, 1977 से 26 मार्च, 1977 तक की 3 सप्ताह की अवकाश अवधि के दौरान, उपर्युक्त क्षेत्रीय ग्रामीण बैंक के अध्यक्ष के रूप में कार्य करने के लिए नियुक्त करती है।

[सं० एफ० 4-13/75-ए०सी०]

लोकेन्द्र नाथ शर्मा, अवर सचिव

New Delhi, the 22nd February, 1977

## NOTIFICATION

S.O. 750.—In exercise of the powers conferred by sub-section (6) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri S. Chintamani, Staff Officer, State Bank of India, Local Head Office, Kanpur, to act as the Chairman of the Gorakhpur Kshetriya Gramin Bank, Gorakhpur, during the period of absence on leave of Shri K. D. Agrawal, Chairman of the said Kshetriya Gramin Bank for a period of 3 weeks

के० एम० कृष्णास्वामी, उप गवर्नर  
K.S. KRISHNASWAMY, Dy. Governor  
[No. F. 10/2/77-B.O.I]  
ए० व० मीरचन्दानी, अवर सचिव  
C. W. MIRCHANDANI, Under Secy.

commencing on the 7th March, 1977 and ending with the 26th March, 1977.

[No. F. 4-13/75-AC]  
L. N. SHARMA, Under Secy.

नई दिल्ली, 24 फरवरी, 1977

क्रा०आ० 751.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खंड (ग) के उपखंड (1) के अनुसरण में, केन्द्रीय सरकार एतद्द्वारा श्री आर० बी० रामन के स्थान पर औद्योगिक विकास विभाग के सचिव, श्री मुहम्मद फजल को भारतीय औद्योगिक विकास बैंक के निदेशक के रूप में नामित करती है।

[सं० एफ० 10(119) आई० एफ० 1/76]  
विजय शृंगलु, निदेशक

New Delhi, the 24th February, 1977

S.O. 751.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri Mohamed Fazal, Secretary, Department of Industrial Development as the Director of the Industrial Development Bank of India vice Shri R. V. Raman.

[No. F. 10(119) IF. 1/76]  
V. K. SHUNGLU, Director



## केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 25 अगस्त, 1976

## आयकर

क्र.सं. 752.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, और इस संबंध में सभी पूर्वतन अधिसूचनाओं को अधिकांत करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निदेश देता है कि नीचे की अनुसूची के स्तम्भ 2 में विनिर्दिष्ट रेंजों के सहायक आयकर आयुक्त (अपील) उसके स्तम्भ 3 में की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर सर्किलों, वार्डों और जिलों में आयकर या अधिकार से निर्धारित सभी व्यक्तियों और आयों के बारे में अपने कृत्यों का पालन करेंगे :—

## अनुसूची

क्रम सं०	रेंज	आयकर सर्किल/वार्ड और जिले
1.	सहायक आयकर आयुक्त (अपील) विशेष रेंज 7, नई दिल्ली।	(1) विशेष सर्किल—5, 6, 6(अति०), 10, 13, 14 और 16, नई दिल्ली। (2) जिला—8(3), (4), (5), (6), नई दिल्ली। (3) जिला—10(3), (4) और (11) नई दिल्ली। (4) भविष्य निधि सर्किल, नई दिल्ली।
2.	सहायक आयकर आयुक्त (अपील), क-रेंज, नई दिल्ली।	(1) जिला-5 (1), (2), (3), (4), (5), और (6), नई दिल्ली। (2) जिला-8 (1), (2), 2(अति०), (7), (8), (9) और (10), नई दिल्ली। (3) जिला—(8, वार्ड क, क (अति०) ख, ख (अति०), ख (अति० 1), ख (अति० 2), ग, घ, घ(1), ठ, ष, ष(अति०), नई दिल्ली। (4) क-1, क-2, क-3, क-4, क-4(1) और झ(1) जिला, नई दिल्ली। (5) आयकर एवं धन कर सर्किल-8, नई दिल्ली।
3.	सहायक आयकर आयुक्त (अपील), ड-रेंज, नई दिल्ली।	(1) जिला 5-(7), (8), (9), (10), (11), (11) (अति०), (12), (12) (अति०), (13), (13) (अति०), (14), (15), (15) (अति०), (16), (16) (अति०), (17), (17) (अति०), (18), (19) और (20), नई दिल्ली। (2) ठेकेदार सर्किल, नई दिल्ली। (3) ख-12, ख-15 जिला, नई दिल्ली। (4) जिला-5 वार्ड क, क (अति०), क(1), ख, ख (अति०) ख(1), ग, ग-1, घ, ङ, छ, छ(1), छ(1) (अति०), छ-3 और ग-नई दिल्ली। (5) आयकर एवं धन कर सर्किल-9 और 10, नई दिल्ली।

1	2	3
		(6) विशेष सर्किल-2 और 12, नई दिल्ली।
4.	सहायक आयकर आयुक्त (अपील), क-रेंज, नई दिल्ली।	(1) 10(1), (20), (5), (6), (7), (8), (9), (10), (10) (अति०), (12) और (13), नई दिल्ली। (2) जिला-8 (11), (12), (13), (14), (15), (16), (17), (18), (19), (19) (अति०) (3) सर्वेक्षण सर्किल 4 और अति० सर्वेक्षण सर्किल 4। (4) जिला 11(1) और (2) नई दिल्ली।
5.	ग-रेंज, नई दिल्ली।	(1) जिला 3 (10), नई दिल्ली।
6.	घ-रेंज, नई दिल्ली	(1) जिला 3 (6), (6) (अति०), (7), (7) (अति०), (8), (9) और (38), नई दिल्ली। (2) प्रथम अति०, सर्वेक्षण सर्किल-3, नई दिल्ली।
7.	च-रेंज, नई दिल्ली	(1) जिला 3 (14) प्रथम अति० (15), (16), 16 (अति०), (17), (17) (अति०), (18), (18) (अति०), 18 (प्रथम अति०), (18) (द्वितीय अति०), और (24), नई दिल्ली।
8.	ठ-रेंज, नई दिल्ली	(1) जिला 3 (14), 14 (अति०), (25), (25) (अति०), (27), (28), (29), (30), (31), (32) (अति०), (33), (34) और (35), नई दिल्ली। (2) सर्वेक्षण सर्किल-3, नई दिल्ली। (3) परिवहन सर्किल प्रथम अति-रिक्त परिवहन सर्किल, नई दिल्ली। (4) जिला 3, ज, झ, ट, ठ, क(1), ग(1), (ङ), छ(1), ज(1) और ज(1), नई दिल्ली। (5) विशेष निर्धारण सर्किल 1, 2, 3, 4, 7, 8 और 10, नई दिल्ली। (6) विशेष सर्वेक्षण सर्किल-2, 3, 4 और 9 नई दिल्ली। (7) आयकर एवं धन कर सर्किल-2, नई दिल्ली। (8) ख-6, ग-7, ड० 7 (अति०), घ-9 और ख-9 (अति०), नई दिल्ली।
9.	ड-रेंज, नई दिल्ली	(1) जिला-3, (1), (1) (अति०), 1, (प्रथम अति०) (संग्रहण), (1) द्वितीय अनिविक्त (संग्रहण), (1) तृतीय अनिविक्त (संग्रहण) (2), (2) (अति०), (3), (4),

1	2	3
		(5) (11), (12), (अति०) (13) और (13) (अतिरिक्त), नई दिल्ली।
		(2) निष्क्रान्त-सकिल, नई दिल्ली।
		(3) जिला 3, वार्ड ख, ग, घ, ङ०, च, च (अतिरिक्त), ड, इ(1), और ह, नई दिल्ली।
		(4) द्वितीय अतिरिक्त सर्वेक्षण सकिल, 3, नई दिल्ली।

जहाँ कोई आयकर सकिल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज को अन्तर्गत हो जाता है, वहाँ उस आयकर सकिल वार्ड या जिले या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस रेंज के, जिससे वह आयकर सकिल, वार्ड या जिला या उसका भाग अन्तर्गत हुआ है, गहायक आयकर आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व संबंधित अपीलें, उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेंज के, जिसका उक्त सकिल, वार्ड या जिला या उसका भाग अन्तर्गत हुआ है, गहायक आयकर आयुक्त (अपील) को अन्तर्गत की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 1-9-76 से प्रभावी होगी।

[सं० 1451 (फा०सं० 261/3/76-आई०टी०जे०)]

एस० रामाम्नामी, अवर सचिव

#### CENTRAL BOARD OF DIRECT TAXES

New Delhi, 25th August, 1976

#### INCOME-TAX

**S.O. 752.**—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in partial modification of all previous notifications in this regard the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioner of Income-tax of the Ranges specified in Column 2 of the Schedule below shall perform their functions in respect of the persons and incomes assessed to Income-tax or Super tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in Col. 3 thereof :—

#### SCHEDULE

S. No.	Ranges	Income-tax Circles/Wards & Distts.
1	2	3
1. AAC Spl. Range-V, New Delhi.		(i) Special Circles-V, VI (Addl.), X, XIII, XIV and XVI, New Delhi. (ii) District-VIII (3), (4), (5), (6), New Delhi. (iii) District-X (3), (4) & (11), New Delhi. (iv) Provident Fund Circles, New Delhi.
2. AAC E-Range, New Delhi.		(i) District-V (1), (2), (3), (4), (5) and (6), New Delhi. (ii) District-VIII (1), (2), (2) (Addl.), (7), (8), (9) and (10), New Delhi.

1	2	3
		(iii) District-VIII, Ward A, A (Addl.), B, B (Addl.), B (Addl. I), B. (Addl. II), C, D, D(1), E, F, F (Addl.), New Delhi. (iv) A-I, A-II, A-III, A-IV, AIV(1) & I(1) Districts, New Delhi. (v) Income-tax-cum-Wealth-Tax Circle-VIII, New Delhi.
3. AAC K-Range, New Delhi.		(i) District-V-(7), (8), (9), (10), (11), (11) (Addl.), (12), (12) (Addl.), (13), (13) (Addl.), (14), (15), (15) (Addl.), (16), (16) (Addl.), (17), (17) (Addl.), (18), 19 & 20, New Delhi. (ii) Contractor's Circle, New Delhi. (iii) B-XII, B-XV District, New Delhi. (iv) District-V, Ward A, A (Addl.), A (1), B, B (Addl.), B (1), C, C-I, D, E, F, F (1), F (1) (Addl.), F-III and G, New Delhi. (v) Income-tax-cum-Wealth-Tax Circles-IX & X, New Delhi. (vi) Special Circles-XI and XII, New Delhi.
4. AAC A-Range, New Delhi.		(i) District-X (1), (2), (5), (6), (7), (8), (9) (10), (10) (Addl.), (12) & (13), New Delhi. (ii) District-VIII (11), (12), (13), (14), (15), (16), (17), (18), (19) & (19) (Addl.), New Delhi. (iii) Survey Circle-IV and Addl. Survey Circle IV, New Delhi. (iv) District-XI (1) & (2), New Delhi.
5. C-Range, New Delhi.		(i) Distt. III (10), New Delhi.
6. D-Range, New Delhi.		(i) Distt. III (6), (6) (Addl.), (7), (7) (Addl.), (8), (9) & (26), New Delhi. (ii) Ist Addl. Survey Circle-III, New Delhi.
7. F-Range, New Delhi.		(i) Distt. III (14) Ist Addl. (15), (16), (16) (Addl.), (17), (17) (Addl.) (18), (18) (Addl.), (18) (1st Addl.), (18) (2nd Addl.), & (24), New Delhi.
8. L-Range, New Delhi.		(i) Distt. III (14), (14) (Addl.), (25), (25) (Addl.), (27), (28), (29), (30), (31), (32), (32) (Addl.), (33), (34) & (35), New Delhi. (ii) Survey Circle-III, New Delhi. (iii) Transport Circle and Ist Addl. Transport Circle, New Delhi. (iv) Distt. III—Wards H, I, J, K, L, A(I), C(T)E(I), G(I), I(I) & K(I), New Delhi.

1	2	3
		(v) Special Assessment Circles, I, II, III, VI, VII, VIII & X, New Delhi.
		(vi) Special Survey Circle-II, III, IV & IX, New Delhi.
		(vii) Income-tax-cum-Wealth-tax Circle-II, New Delhi.
		(viii) B-VI, B-VII, B-II(Addl.), B-IX & B-IX (Addl.), New Delhi.
9. M-Range, New Delhi.	(i) Distt. III (1), (I) (Addl.), I (1st Addl.), (Collection) (I), 2nd Addl. (Collection), (I) 3rd Addl. (Collection) (2), (2) (Addl.), (3), (4), (5), (11), (12), (12) (Addl.), (13) and (13) (Addl.), New Delhi.	
	(ii) Evacuee—Circle, New Delhi.	
	(iii) Distt. III, Wards B, C, D, E, F, F (Addl.), G, M, M (I), and N, New Delhi.	
	(iv) 2nd Addl. Survey Circle, III, New Delhi.	

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of the assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of the Income-tax of the ranges from whom that Income-tax Circle, Ward or District or part thereof is transferred shall from the date this notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of the range to whom the said circle, Ward or District or part thereof is transferred.

This notification shall take effect from 1-9-76.

[No. 1451 (F. No. 261/3/76-ITJ)]  
S. RAMASWAMY, Under Secy.

नई दिल्ली, 27 जनवरी, 1977

आय-कर

कांआ० 753 —केन्द्रीय प्रत्यक्ष कर बोर्ड, आय कर अधिनियम, (1961) (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, समय समय पर यथा संशोधित अपनी अधिसूचना सं० 679 [फा० सं० 187/2/74-आई टी (ए-1)] तारीख 20 जुलाई, 1974 से उपाबद्ध अनुसूची में निम्नलिखित संशोधन करता है, अर्थात् —

- (1) इससे उपाबद्ध अनुसूची में क्रम सं० 21ख तमिलनाडु 3, मद्रास के सामने स्तम्भ 3 के नीचे की विद्यमान प्रविष्टि का लोप कर दिया जाएगा। क्रम संख्या 5 से 13 को क्रम संख्या 4 से 12 के रूप में पुन. संख्यांकित किया जाएगा।
- (2) इससे उपाबद्ध अनुसूची के क्रम संख्या 21ग तमिलनाडु-4, मद्रास के सामने स्तम्भ 3 के नीचे निम्नलिखित जोड़ा जाएगा :  
16. प्रतिदाय सॉकल, मद्रास।

2. यह अधिसूचना 1 फरवरी, 1977 से प्रवृत्त होगी।

[सं० 1638 फा० सं० 191/27/76/आई टी (ए-1)]

टी० पी० शुभमुत्तारवा, निदेशक

New Delhi, the 27th January, 1977

### INCOME TAX

S.O. 753.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 679 [F. N. 187/2/74-IT (AI) dated the 20th July, 1974 as amended from time to time :—

I. Against S. No. 21B Tamil Nadu-III, Madras under Column 3 of the Schedule appended thereto, the existing entry against item 4 shall be deleted. Serial numbers 5 to 13 shall be renumbered 4 to 12.

II. Against S. No. 21C Tamil Nadu-IV, Madras under Column 3 of the Schedule appended thereto, the following entry shall be added :

16, Refund Circle, Madras.

2. This notification shall come into force on the 1st February, 1977.

[No. 1638 F. No. 191/27/76-IT(AI)]

T. P. JHUNJHUNWALA, Director

(व्यय विभाग)

नई दिल्ली, 23 फरवरी, 1977

कांआ० 754.—केन्द्रीय सरकार, भविष्य निधि अधिनियम, 1925 (1925 का 19) की धारा 6क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ : (1) इन नियमों का नाम केन्द्रीय सरकार के अधिकारी (सेवा नियुक्ति के पश्चात् वाणिज्यिक नियोजन) नियम, 1977 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषा : इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से भविष्य निधि अधिनियम, 1925 (1925 का 19) अभिप्रेत है;

(ख) "प्रारूप" से इन नियमों से उपाबद्ध प्रारूप अभिप्रेत है;

(ग) "धारा" से अधिनियम की धारा अभिप्रेत है;

(घ) इन नियमों में प्रयुक्त और अपरिभाषित किन्तु अधिनियम की धारा 6क में परिभाषित शब्दों और पदों के अन्वयः वही अर्थ होंगे जो उनके उक्त धारा में हैं।

3. केन्द्रीय सरकार के अधिकारी द्वारा सेवा नियुक्ति के दो वर्षों के भीतर वाणिज्यिक नियोजन :—केन्द्रीय सरकार के प्रत्येक अधिकारी को जो अपनी सेवानियुक्ति की तारीख से दो वर्ष की समाप्ति से पूर्व किसी भी समय वाणिज्यिक नियोजन ग्रहण करने से पूर्व केन्द्रीय सरकार की पूर्व अनुज्ञा प्राप्त करना होगी। परन्तु जहां किसी अधिकारी को, उसकी सेवा नियुक्ति पूरा छूटी के दौरान, कोई विशिष्ट वाणिज्यिक नियोजन ग्रहण करने की अनुज्ञा दी जा चुकी हो वहां पूर्व अनुज्ञा अपेक्षित नहीं होगी।

4. आवेदन का प्रारूप :—यदि कोई केन्द्रीय सरकार का अधिकारी, अपनी सेवानियुक्ति की तारीख से दो वर्ष की समाप्ति से पूर्व वाणिज्यिक नियोजन ग्रहण करने की वाछा करता है तो वह, उस मंत्रालय या विभाग को जिसमें अपने सेवा नियुक्ति से पूर्व सेवा की थी, अनुज्ञा के लिए प्रारूप में आवेदन करेगा।

5 धारा 6क के अधीन अनुज्ञा देने या देने से इंकार करने समय ध्यान दिए जाने वाले अतिरिक्त तथ्य :—धारा 6क की उपधारा 3 के अधीन अनुज्ञा देने या अनुज्ञा देने से इंकार करते समय केन्द्रीय सरकार इस धारा की उपधारा (4) के खण्ड (क), (ख) और (ग) में उल्लिखित तथ्यों के अतिरिक्त, निम्नलिखित तथ्यों पर भी ध्यान देगी, अर्थात् :—

- (क) क्या प्रस्थापित नियोजन में केन्द्रीय सरकार के विभागों से सम्बन्ध या संपर्क रखना होगा,
- (ख) क्या प्रस्थापित नियोजन के अधीन उसके कर्तव्य ऐसे हैं कि उसके नियोजक को, केन्द्रीय सरकार के अधीन उस अधिकारी द्वारा धृत पद के कारण नावाजिब फायदा मिलने की संभावना है;
- (ग) प्रस्थापित नियोजक द्वारा दी जाने वाली उपलब्धियां,
- (घ) असाधारण परिस्थितियां, यदि कोई हो, जो, यदि अनुज्ञा देने से इंकार किया जाता है तो, सम्बद्ध व्यक्ति के लिए वास्तविक कठिनाई उत्पन्न कर देगी।

6. धारा 6क की उपधारा (7) के अधीन आदेश करते समय ध्यान दिए जाने वाले अतिरिक्त तथ्य :—केन्द्रीय सरकार, धारा 6क की उपधारा (7) के अधीन आदेश करने समय उपधारा के द्वितीय परन्तुक के खण्ड (1) और (2) में उल्लिखित तथ्यों के अतिरिक्त, सम्बद्ध व्यक्ति को हुई कठिनाई को भी यदि कोई हो, ध्यान में रखेगी।

7 सरकारी अंशदानों के प्रतिदाय के लिए अवधि :—धारा 6क की उपधारा (7) के अधीन किसी आदेश के द्वारा वापस किए जाने के लिए अपेक्षित कोई रकम, सम्बद्ध व्यक्ति द्वारा, ऐसे आदेश की उसके द्वारा प्राप्ति की तारीख से तीन मास की अवधि के भीतर वापस की जाएगी।

#### प्रकरण

#### (नियम 4)

सेवानिवृत्ति के पश्चात् दो वर्ष की अवधि के भीतर वाणिज्यिक नियोजन स्वीकार करने की अनुज्ञा के लिए आवेदन का प्रारूप

1. अधिकारी का नाम (सोटे अक्षरों में)
2. सेवा निवृत्ति की तारीख
3. मंत्रालय/विभाग/कार्यालयों, जिनमें सेवा निवृत्ति से पूर्ववर्ती ग्रंथि पांच वर्षों के दौरान उस अधिकारी ने सेवा की (अवधि लिखिए), की विविधियां

मंत्रालय/विभाग/कार्यालयों का नाम	धृत पद	अवधि
		से तक
1	2	3
4. सेवा-निवृत्ति के समय अधिकारी के पद का वर्तमान और उसके द्वारा सिया गया वेतन।		
5. अंशदायी भविष्य निधि में सरकारी अंशदान (यदि अभी तक रकम मंजूर नहीं की गई है तो प्राक्कलित रकम लिखिए)		
6. लिए जाने के लिए प्रस्थापित वाणिज्यिक नियोजन संबंधी ध्येयः		
(क) फर्म/कम्पनी/सहकारी समिति आदि का नाम।		

1 2 3

- (ख) क्या अपने परोक्ष व्यवसाय के दौरान अधिकारी का इस फर्म/कम्पनी/सहकारी सोसाइटी, आदि या किसी अन्य फर्म जिसके यह फर्म अधीनस्थ है या किसी अन्य फर्म जो प्रशंगत फर्म के अधीनस्थ है से कोई सम्बन्ध है या,
  - (ग) इस फर्म से शासकीय सम्बन्धों की अवधि और प्रकृति।
  - (घ) प्रस्थापित कार्य/पद का नाम।
  - (ङ) क्या पद विज्ञापित किया गया था, यदि नहीं तो प्रस्थापना किस प्रकार की गई।
  - (च) कार्य/पद के कर्तव्यों का वर्णन।
  - (छ) क्या इसमें सरकारी विभागों से संपर्क/संस्पर्श कार्य अन्तर्बिलित है।
  - (ज) पद/कार्य के लिए प्रस्थापित पारिश्रमिक।
  - (झ) प्रस्थापित वाणिज्यिक नियोजन की नियुक्ति का केन्द्र/स्थान।

7 अन्य कोई जानकारी जो आवेदक अपने निवेदन के समर्थन में देने की वांछा करें।

अधिकारी के हस्ताक्षर

[सं० फ० 37(6)-ई० 5(बी)/70]

#### (Department of Expenditure)

New Delhi, the 23rd February, 1977

S.O. 754.—In exercise of the powers conferred by section 6A of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Central Government Officers (Commercial Employment after Retirement) Rules, 1977.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Provident Funds Act, 1925 (19 of 1925);
- (b) "Form" means the form appended to these rules;
- (c) "section" means the section of the Act;
- (d) words and expressions used herein and not defined but defined in section 6A of the Act shall have the meanings, respectively assigned to them in that section.

3. Commercial employment by Central Government Officer within two years of retirement.—Every Central Government

officer shall, before he takes up commercial employment at any time before the expiry of two years from the date of his retirement, obtain the prior permission of the Central Government:

Provided that no such prior permission has been required in cases where such officer was permitted by the Central Government to take up a particular commercial employment during his leave preparatory to retirement.

4. Form of application.—If a Central Government officer desires to take up commercial employment before the expiry of two years from the date of his retirement, he shall apply for permission in the Form to the Ministry or Department under which he had served before retirement.

5. Additional factors to be taken into account in granting or refusing permission under section 6A.—In granting or refusing permission under sub-section (3) of section 6A, the Central Government shall, in addition to the factors mentioned in clauses (a), (b) and (c) of sub-section (4) of that section, have regard also to the following factors, namely :—

- (a) whether the proposed employment would involve liaison or contact with Central Government Departments;
- (b) whether the duties under the proposed employment are likely to give his employer an unfair advantage by reason of the posts held by him under the Central Government;
- (c) the emoluments offered by the proposed employer;
- (d) the exceptional circumstances, if any, which would cause a real hardship to the person concerned in case the permission is refused.

6. Additional factors to be taken into account in making an order under sub-section (7) of section 6A.—In making an order under sub-section (7) of section 6A, the Central Government shall, in addition to the factors mentioned in clauses (i) and (ii) of the second proviso to that sub-section, have regard also to the hardship if any, caused to the person concerned.

7. Period for refunding Government Contributions.—Any amounts required to be refunded by an order under sub-section (7) of section 6A shall be refunded by the person concerned within a period of three months from the date of receipt of such order by him.

#### FORM (rule 4)

Form of application for permission to accept Commercial Employment within a period of two years after retirement.

1. Name of the Officer  
(In block letters)
2. Date of retirement
3. Particulars of the Ministry/Department/Offices in which the officer served during the last five years preceding retirement (with duration).

Name of Ministry/ Department/Offices	Post held	Duration	
		From	To
1	2	3	

4. Pay scale of the post and the pay drawn by the officer at the time of retirement.

- | 1  | 2 | 3 |
|--|---|---|
| 5. Government contribution to Contributory Provident Fund (if the amount has not been sanctioned so far, mentioned the estimated amount).  |   |   |
| 6. Details regarding commercial employment proposed to be taken up :   |   |   |
| (a) Name of the firm/Company/Cooperative Society, etc.   |   |   |
| (b) Whether the official had, during his official career, any dealings with the firm/Company/Cooperative Society, etc., or any other firm to which the firm is subordinate or any other firm which is subordinate to the firm in question. |   |   |
| (c) Duration and nature of the official dealings with the firm.  |   |   |
| (d) Name of job/post offered.  |   |   |
| (e) whether the post was advertised, if not how was the offer made.  |   |   |
| (f) Description of the duties of the job/post.   |   |   |
| (g) Does it involve liaison/contact work with Government departments.  |   |   |
| (h) Remuneration offered for the post/job.   |   |   |
| (i) Station/place of posting of the proposed commercial employment.  |   |   |
| 7. Any information which the applicant desires to furnish in support of his request.   |   |   |

Station :

Date :

Signature of the officer.

[No. F. 37(6)-EV(B)/70]

नई दिल्ली, 25 फरवरी, 1977

क्रा०आ० 755.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारतीय लेखा परीक्षा तथा लेखा विभागों में सेवारत व्यक्तियों की बाबत नियंत्रक महालेखापरीक्षक से परामर्श करने के पश्चात्, अभिदायी

भविष्य निधि नियम (भारत) 1962 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का नाम अभिदायी भविष्य निधि (भारत) दूसरा संशोधन नियम, 1977 है।

(2) ये 1 अप्रैल, 1975 में प्रवृत्त हुए समझे जाएंगे।

2. अभिदायी भविष्य निधि नियम (भारत) 1960 में—नियम 6 में—

(क) खण्ड (iv) में अंत में आने वाले "और" शब्द का खोप किया जाएगा

(ख) खण्ड (ii) के पश्चात् निम्नलिखित खण्ड अन्तःस्थापित किया जाएगा, अर्थात्—

"(ivक) अभिदायों पर नियम 12क द्वारा यथा उपबंधित बोनस, और";

(ख) नियम 12 के पश्चात् निम्नलिखित नियम रखा जाएगा, अर्थात् :—

"12क. प्रोत्साहन बोनस स्कीम—(1) यदि कोई अभिदायकर्ता जो निधि में अपने खाते में जमा रकम में से किसी वर्ष के दौरान नियम 13 के अधीन अग्रिम धन के रूप में या नियम 16 के अधीन रकम निकाल कर कोई निकासी नहीं करता तो वह उस वर्ष के दौरान उसके द्वारा किए गए कुल अभिदायों पर उपनियम (2) के अधीन संगणित दर पर बोनस का हकदार होगा।

(2) उपनियम (1) के अधीन संबंध बोनस, ऐसे अभिदायकर्ताओं को, जिनकी कुल उपलब्धियां 500 रु० प्रति मास या उतने तक हैं 3 प्रतिशत की दर से और 500 रु० से अधिक उपलब्धियां प्राप्त करने वाले अभिदायकर्ताओं की वृत्ति में 1 प्रतिशत की दर से संगणनीय होगा तथा ऐसे बोनस की कुल रकम को निकटतम रूप में पूर्णकृत किया जाएगा (अर्थात् पचास पैसे को पूर्ण रुपया गिना जाएगा)।

(3) इस प्रकार संगणित बोनस अभिदायकर्ता के खाते में जमा कर दिया जाएगा और यह नियम 12 के अधीन अनुज्ञात व्यय के अतिरिक्त होगा।

(4) बीमा पालिसियों के वित्त पोषण के लिए रकम की निकासी करने से अभिदाता इस नियम के अधीन दी गई प्रमुविधाओं से वंचित नहीं होगा किन्तु ऐसे मामलों में बोनस बीमा पालिसियों को वित्त पोषित करने हेतु निकासी गई रकम को कम करके उस वर्ष के दौरान किए गए शुद्ध अभिदायों के अनुसार होगा।

टिप्पण—1 इस नियम के अधीन बोनस की संगणना के लिए पूर्ववर्ती वर्ष के 31 मार्च को यथा विद्यमान उपलब्धियों को गणना में लिया जाएगा।

टिप्पण—2 किसी वर्ष के दौरान खाते में डाली गई कोई एक मुक्त राशि जब तक विशेष रूप से उसे अभिदाय न माना जाए इस नियम के अधीन बोनस की संगणना करने समय गणना में नहीं ली जाएगी।

टिप्पण—3 इस नियम के अधीन बोनस सभी अनुज्ञेय होगा जब कोई अभिदायकर्ता पूर्ण वर्ष पर्यंत अभिदाय करता है सिवाय ऐसी परिस्थितियों में जब अभिदाय का नियमों के अधीन अस्थायी रूप से अरुपकाय के लिए निलम्बित कर दिया गया हो, अर्थात्

छुट्टी के दौरान या निलम्बनाधीन रहने पर, इस प्रकार ऐसा अभिदायकर्ता जो वर्ष के बीच में सेवा में सम्मिलित होता है या सेवा छोड़ता है बोनस का हकदार नहीं होगा भले ही वर्ष के दौरान उतने रकम न निकाली हो।"

[सं० फ० 13(9)ई० 5 (बी)/76-सी०पी०एफ०]

New Delhi, the 25th February, 1977

**S.O. 755.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely :—

1. (1) These Rules may be called the Contributory Provident Fund Second Amendment Rules (India), 1977.

(2) They shall be deemed to have come into force on the 1st April, 1975

2. In the Contributory Provident Fund Rules (India), 1962, —

(a) in rule 6,—

(A) in clause (iv), the word "and" occurring at the end shall be omitted;

(B) after clause (iv), the following clause shall be inserted, namely :—

"(iv-a) bonus, as provided by rule 12A, on subscriptions; and";

(b) after rule 12, the following rule shall be inserted, namely :—

"12A. Incentive Bonus Scheme—(1) A subscriber who does not withdraw any money from the amount standing to his credit in the Fund by way of advance under rule 13 or withdrawal under rule 16 during a year, shall be entitled to a bonus at the rate calculated under sub-rule (2) on the total subscriptions made by him during that year.

(2) The bonus payable under sub-rule (1) shall be calculated at the rate of 3 per cent for subscribers drawing emoluments up to and inclusive of Rs. 500 per month and the total amount so calculated shall be credited to the account and 1 per cent for subscribers drawing emoluments above Rs. 500 p.m. and the total amount of bonus shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee).

(3) The bonus so calculated shall be credited to the account of the subscriber and shall be in addition to the interest allowed under rule 12.

(4) Withdrawals for financing insurance policies shall not make a subscriber ineligible for the benefit under this rule but the bonus shall, in such cases, be related to the net subscriptions made during the year after deducting the amount of withdrawal for financing insurance policies.

Note 1.—For calculating bonus under this rule, emoluments as on the 31st March of the preceeding year shall be taken.

Note 2.—Any lump-sum amount credited to the account during a year, unless specifically treated as subscription, shall not be taken into account for calculating bonus under this rule.

Note 3.—The bonus under this rule shall be admissible when a subscriber subscribes to the fund during full year except only when the rules permit temporary suspension of subscription for a short period e.g. while on leave or under suspension. Thus the subscriber who joins or leaves service in the middle of year shall not be entitled to bonus even if he does not withdraw amount from his account during the year."

## EXPLANATORY MEMORANDUM

The Contributory Provident Fund Rules (India), 1962, are being amended retrospectively with effect from 1-4-1975 as the scheme was introduced vide Ministry of Finance (Department of Expenditure) O.M. No. F. 20(7)-EV(B)/75 dated 30-7-1975. No officer is likely to be adversely affected by this rule being given retrospective effect from the 1st April, 1975.

[No. F 13(9) EV(B)/76-CPF]

का०आ० 756.—राष्ट्रपति, सविधान के अनुच्छेद 309 के परस्पर और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारतीय लेखा परीक्षा तथा लेखा विभागों में सेवारत व्यक्तियों की बाबत नियंत्रक महालेखा परीक्षक से परामर्श करने के पश्चात्, साधारण भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का नाम साधारण भविष्य निधि (केन्द्रीय सेवाएं) दूसरा संशोधन नियम, 1977 है।

(2) ये 1 अप्रैल, 1975 से प्रवृत्त हुए समझ जायेंगे।

2. साधारण भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 में,—

(क) नियम 6 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—

“6. अभिदायकर्ता का खाता—प्रत्येक अभिदायकर्ता के नाम से एक खाता खोला जाएगा जिसमें निम्नलिखित बातें दी जाएंगी—

- (1) उसके अभिदाय;
- (2) अभिदायो पर, नियम ii द्वारा यथाउपबंधित व्याज;
- (3) अभिदायों पर, नियम ii के द्वारा यथाउपबंधित बोनस;

और

(4) निधि में से लिए गए अग्रिम धन और निकाली गई रकमें”;

(ख) नियम ii के पश्चात् निम्नलिखित नियम रखा जाएगा, अर्थात्—

“ii-क. प्रोत्साहन बोनस स्कीम—(1) यदि कोई अभिदायकर्ता जो निधि में अपने खाते में जमा रकम में से किसी वर्ष के दौरान नियम 12 के अधीन अग्रिम धन के रूप में या नियम 15 के अधीन रकम निकाल कर कोई निकाली नहीं करता तो वह उस वर्ष के दौरान उसके द्वारा किए गए कुल अभिदायों पर उपनियम (2) के अधीन संगणित दर पर बोनस का हकदार होगा।

(2) उपनियम (1) के अधीन संदेय बोनस, ऐसे अभिदायकर्ताओं को, जिनकी कुल उपलब्धियां 500 रु० प्रति मास या उतने तक हैं 3 प्रतिशत की दर से और 500 रु० से अधिक उपलब्धियां प्राप्त करने वाले अभिदायकर्ताओं की वशा में 1 प्रतिशत की दर से संगणनीय होगा तथा ऐसे बोनस की कुल रकम की निकटतम रूप में पूर्णकृत किया जाएगा (अर्थात् पचास पैसे को पूर्ण रुपया गिना जाएगा)।

(3) इस प्रकार संगणित बोनस अभिदायकर्ता के खाते में जमा कर दिया जाएगा और यह नियम ii के अधीन अनुज्ञाप ब्याज के प्रतिरिक्त होगा।

(4) बीमा पालिसियों के वित्त पोषण के लिए रकम की निकाली करने से अभिदायकर्ता इस नियम के अधीन दी गई प्रमुखधाराओं से वंचित नहीं होगा किन्तु ऐसे मामलों में बोनस बीमा पालिसियों को वित्त पोषित करने हेतु निकाली गई रकम को कम करके उस वर्ष के दौरान किए गए शुद्ध अभिदायों के अनुसार होगा।

टिप्पण 1—इस नियम के अधीन बोनस की संगणना के लिए पूर्ववर्ती वर्ष के 31 मार्च को यथा विद्यमान उपलब्धियों की गणना में लिया जाएगा।

टिप्पण 2—किसी वर्ष के दौरान खाते में जमा गई कोई एक मुस्त राशि, जब तक विलेप रूप से उसे अभिदाय न माना जाए इस नियम के अधीन बोनस की संगणना करने समय गणना में नहीं ली जाएगी।

टिप्पण 3—इस नियम के अधीन बोनस सभी अनुज्ञेय होगा जब कोई अभिदायकर्ता पूर्ण वर्ष पर्यंत अभिदाय करता है सिवाय ऐसी परिस्थितियों में जब अभिदाय को नियमों के अधीन अग्रणी रूप से अव्यक्त के लिए नियमित कर दिया गया हो, अर्थात् छुट्टी के दौरान या निशुल्कताधीन रहने पर इस प्रकार ऐसा अभिदायकर्ता जो वर्ष के बीच में सेवा में सम्मिलित होता है या सेवा छोड़ता है बोनस का हकदार नहीं होगा भले ही वर्ष के दौरान उसने रकम न निकाली हो।”

[सं० फा० 13(9) ई० 5(बी)/76-सी० पी० एफ०]  
एस० एम० एल० मल्होत्रा, अवर सचिव

S.O. 756.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

1. (1) These rules may be called the General Provident Fund (Central Services) Second Amendment Rules, 1977.

(2) They shall be deemed to have come into force on the 1st April, 1975.

2. In the General Provident Fund (Central Services) Rules 1960,—

(a) for rule 6, the following rule shall be substituted, namely:—

“6. Subscriber's account—An account shall be opened in the name of each subscriber, in which shall be shown—

- (i) his subscriptions;
- (ii) interest, as provided by rule 11. on subscriptions;
- (iii) bonus, as provided by rule 11-A, on subscriptions; and
- (iv) advances and withdrawals from the Fund;”

(b) after rule 11, the following rule shall be inserted, namely:—

“11-A. Incentive Bonus Scheme—(1) a subscriber who does not withdraw any money from the amount standing to his credit in the Fund by way of advance under rule 12 or withdrawal under rule 15 during a year, shall be entitled to a bonus at the rate calculated under sub-rule (2) on the total subscriptions made by him during that year.

(2) The bonus payable under sub-rule (1) shall be calculated at the rate of 3 per cent for subscribers drawing emoluments up to and inclusive of Rs. 500 per month and 1 per cent for subscribers drawing emoluments above Rs. 500 p.m. and the total amount of such bonus shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee).

(3) The bonus so calculated shall be credited to the account of the subscriber and shall be in addition to the interest allowed under rule 11.

(4) Withdrawals for financing insurance policies shall not make a subscriber ineligible for the benefit under this rule, but the bonus shall, in such cases, be

related to the net subscriptions made during the year after deducting the amount of withdrawal for financing insurance policies.

Note 1.—For calculating bonus under this rule, emoluments as on the 31st March of the preceding year shall be taken.

Note 2.—Any lump-sum amount credited to the account during a year, unless specifically treated as subscription, shall not be taken into account for calculating bonus under this rule.

Note 3.—The bonus under this rule shall be admissible when a subscriber subscribes to the fund during full year except only when the rules permit temporary suspension of subscription for a short period e.g. while on leave or under suspension. Thus the subscriber who joins or leaves service in the middle of year shall not be entitled to bonus even if he does not withdraw amount from his account during the year."

#### EXPLANATORY MEMORANDUM

The General Provident Fund (Central Services) Rules, 1960, are being amended retrospectively with effect from 1-4-1975 as the scheme was introduced vide Ministry of Finance (Department of Expenditure) O.M. No. F. 20(7)-EV(B)/75, dated 30-7-1975. No officer is likely to be adversely affected by this rule being given retrospective effect from 1-4-1975.

[No. F. 13(9) EV(B)/76-CPF]

S. S. L. MALHOTRA, Under Secy.

#### सीमा शुल्क और केन्द्रीय उत्पाद शुल्क समाहर्तालय

बंगलूर, 10 जनवरी, 1977

सीमा शुल्क

क्रा०आ० 757.—1962 के सीमा शुल्क अधिनियम की धारा 8(ख) के अन्तर्गत समाहर्ता, सीमा शुल्क की प्रदत्त शक्तियों का प्रयोग करते हुए मैं, आर० एन० शुक्ल, समाहर्ता, सीमा शुल्क और केन्द्रीय उत्पादन शुल्क, बंगलूर, इस अधिसूचना द्वारा बंगलूर वायु पत्तन (हवाई अड्डे) के संबंध में निम्नलिखित स्थानों को सीमा शुल्क क्षेत्र के रूप में विनिर्दिष्ट करता हूँ।

(1) हवाई अड्डे का सम्पूर्ण इलाका, जिसका माप उत्तर से दक्षिण तक 701.04 मीटर, और पूर्व से पश्चिम तक 4124 मीटर है तथा जिसमें टर्मिनल कॉम्प्लेक्स जिसका माप 51800 वर्ग मीटर, हवाई अड्डा, रन वे, टर्मिंक, पक्की सड़क, बिल्डिंग, कन्ट्रोल टावर, एयर लाईन्स कार्यालय, तेल संस्थान तथा अन्य इमारतें भी शामिल हैं, निम्नलिखित स्थानों से घिरा हुआ है।

जिसके दक्षिण में: छल्लाघट्टा गांव, एन०ए०एल० रोड, बेल्लुंदर तलाब, एन०ए०एल० बिल्डिंग, केम्पापुर और येमलूर गांव हैं।

उत्तर में: मुरुगेशा पाल्या, कोनेनग्राहारा गांव, एवीएशन मैडिसिन स्कूल, एच०ए०एल० फ़ैक्टरी बिल्डिंग, 26 एयर फ़ोर्स डिपो और बंगलूर बरधर रोड से घिरा है।

पूर्व में: मार्थाहल्ली गांव से घिरा है।

पश्चिम में: छल्लाघट्टा तलाब।

(2) कोडिहल्ली गांव के सर्वेसं० 42 में स्थित एयर कार्गो कॉम्प्लेक्स जिसका माप 1800 वर्गमीटर है, निम्नलिखित स्थानों से घिरा हुआ है।

उत्तर में: इसका कुछ भाग एच०ए०एल० इजिन ओवरहाल बिल्डिंग सं० 82 से घिरा हुआ है।

दक्षिण में: एच०ए०एल० के खुले मैदान और एच०ए०एल० ओवरहाल बिल्डिंग से घिरा है।

पश्चिम में: इसका कुछ भाग बिल्डिंग सं० 82 और एच०ए०एल० रैप से घिरा हुआ है।

पूर्व में: एच०ए०एल० के खुले मैदान और एच०ए०एल० ओवरहाल बिल्डिंग से घिरा है।

[संख्या 1/77 सीमा शुल्क सी० सं० 8/48/199/75-सीमा शुल्क]

साक्ष्यकित

हस्ता०/-

हस्ता०/-

आर० एन० शुक्ल, समाहर्ता

(पी० सुब्रामण्य)

सहायक समाहर्ता

(निवारक)

#### Office of the Collector of Customs and Central Excise

Bangalore, the 10th January 1977

#### CUSTOMS

S.O 757.—In exercise of the powers conferred upon the Collector of Customs under Section 8(b) of the Customs Act, 1962, I, R. N. Shukla, Collector of Central Excise and Customs, Bangalore hereby specify the customs area in respect of Bangalore Airport as under :—

(1) The whole of the Aerodrome Area measuring North to South 701.04 Mts., East to West 4124 Mts., including the terminal complex measuring 51800 Sq. m., Air Port, Control Tower, Runways, the tarmac, parking bays, Air line offices, buildings, oil installations and all structures bounded by the following :—

South.—By Challaghatta Village, NAL Road, Bellunder Tank, NAL Buildings, Kempapura Village, Yemlur Village;

North.—By Murugesha palya, Konenagrahara Village, School of Aviation Medicine, H.A.L. Factory buildings, 26 Air Force Depot and Bangalore-Vanthur Road;

East.—By Marthahalli Village;

West.—By Challaghatta Tank;

(2) The Air Cargo Complex situated in Survey No. 42 of Kodihally village measuring 1800 Sq. mts. bounded by the following :—

North.—By part of HAL engine overhaul building No. 82;

South.—By HAL vacant land and Suranjandas Road;

West.—By part of building No. 82 and HAL Ramp;

East.—By H.A.L. open space and HAL engine overhaul building.

[No. 1/77 Customs C. No. VIII/48/199/75. Cus.]

R. N. SHUKLA, Collector

#### सीमा शुल्क तथा केन्द्रीय उत्पादन शुल्क समाहर्ता कार्यालय

कोचीन, 17 नवम्बर, 1976

क्रा०आ० 758.—केन्द्रीय उत्पादन शुल्क नियम, 1944 के नियम 173 बच के उप-नियम (1) के अधीन मुझे प्रदत्त शक्तियों का प्रयोग करते हुए मैं, एतद्वारा नीचे विनिर्दिष्ट समय नियम करता हूँ जिसके दौरान केवल वे निर्धारित, जो स्व-निर्वासी कार्यविधि के अन्तर्गत कार्य



करने है, अपने कारखाने अथवा मालगोशम से, जैसा भी मामला हो, माल की निकासी करेंगे।

वर्ग	समय जिसके दौरान माल की निकासी की जा सकती है
(1) मालगोशम	9 बजे प्रातः से 6 बजे सायं
(2) प्रतिदिन केवल एक पारी चलने वाले कारखाने।	8 बजे प्रातः से 6 बजे सायं
(3) प्रतिदिन दो पारी चलने वाले कारखाने।	8 बजे प्रातः से 10 बजे रात्रि
(4) प्रतिदिन तीन पारी चलने वाले कारखाने।	6 बजे प्रातः से 10 बजे रात्रि

केन्द्रीय उत्पादन शुल्क नियम 1944 के नियम 173-बच के परन्तुक का अनुसरण करते हुए, मैं, एतद्वारा, अधीक्षक, केन्द्रीय उत्पादन शुल्क को उचित अधिकारी पदनामित करता हूँ जिसको वह निर्धारित निर्धारित नोटिस भेजेगा जो उत्पादन शुल्क लगने योग्य माल की नियत समय के पश्चात् निकासी करने का विचार करता हो।

[सं० 6/76/सी सं० 4/16/265/76/के० उ० शु०-1]  
एम० वेंकटराम अय्यर, समाहर्ता

Office of the Collector, Customs and Central Excises  
Cochin, the 17th November, 1976

S.O. 758.—In exercise of the powers conferred upon me under sub-rule (1) of rule 173-FF of the Central Excise Rules, 1944, I hereby fix the hours specified below, during which only the assessee governed by the Self Removal Procedure should remove goods from their factory or warehouse, as the case may be :

Category	Hours during which goods can be removed
(i) Warehouses	9 A.M. to 6 P.M.
(ii) Factories working only one shift per day	8 A.M. to 6 P.M.
(iii) Factories working two shifts per day	8 A.M. to 10 P.M.
(iv) Factories working three shifts per day	6 A.M. to 10 P.M.

In pursuance of the proviso to rule 173-FF of the Central Excise Rules, 1944, I hereby designate the Superintendent of Central Excise as the 'proper officer' to whom an assessee who intends to remove excisable goods beyond the hours fixed as above should send the prescribed notice.

[No. 6/76 C. No. IV/16/265/76/CX-I]  
S. VENKATARAMA IYER, Collector

केन्द्रीय उत्पाद शुल्क समाहर्तालय  
चंडीगढ़, 2 फरवरी, 1977  
(केन्द्रीय उत्पाद)

क्रा० 759.—केन्द्रीय उत्पाद शुल्क नियम 1944 के नियम 5 के अन्तर्गत मुझे प्रदत्त शक्तियों का उपयोग करते हुए मैं, के० के० द्विवेदी, समाहर्ता, केन्द्रीय उत्पाद शुल्क समाहर्तालय, चंडीगढ़ एतद्वारा निम्न तालिका के कालम (2) में विनिर्दिष्ट श्रेणी और उससे ऊपर की श्रेणी के केन्द्रीय उत्पाद शुल्क समाहर्तालय, चंडीगढ़ के अधिकारियों को उनके 149 GI/76—3

अपने अधिकार क्षेत्र में कथित तालिका के कालम (3) में दिए गए केन्द्रीय उत्पाद नियम 1944 के अन्तर्गत समाहर्ता की शक्तियों से उस तालिका की कालम सं० 4 में विनिर्दिष्ट सीमाओं के अधीन प्राधिकृत करना है।

तालिका			
क्र०सं०	श्रेणी	नियम	परिसीमाएं
1	2	3	4
1.	सहायक समाहर्ता, केन्द्रीय उत्पाद शुल्क।	145	सहायक समाहर्ताओं द्वारा कृत्रिम ताप (Flue) से मिस्टाई किए तम्बाकू के मामले में 2 साल की सामान्य अवधि के समाप्त होने पर एक वर्ष की अनिश्चित अवधि को बढ़ाने हेतु शक्ति का उपयोग किया जा सकता है।

2. उपरिस्थित शक्तियों का प्रत्यायोजन केन्द्रीय उत्पाद शुल्क नियम 1944 के नियम 145 के अन्तर्गत इस समाहर्तालय द्वारा 24-12-71 को जारी की गई अधिसूचना संख्या 5-के० उ०/71 द्वारा पूर्व से प्रवृत्त शक्तियों के अधिहान (Supersession) में है।

3. इस अधिसूचना के प्रावधान 1-4-1977 से लागू होंगे।

[अधिसूचना सं० 1-के० उ०/77/पत्रा सं० 4(16) 9-तक०/77]  
के० के० द्विवेदी, समाहर्ता

Central Excise Collectorate  
Chandigarh, the 2nd February, 1977  
(CENTRAL EXCISE)

S.O. 759.—In exercise of the powers conferred upon me under rule 5 of Central Excise Rules, 1944, I, K. K. Dwivedi, Collector of Central Excise Collectorate, Chandigarh, hereby authorize the Central Excise officers of Central Excise Collectorate, Chandigarh, of and above the rank specified in column (2) of the following table, to exercise, within their respective jurisdiction, the powers of "COLLECTOR" under the Central Excise Rules, 1944, mentioned in column (3) of the said table subject to the limitations set out in column no. (4) thereof:—

TABLE			
Sr. No.	Rank	Rule	Limitations
1	2	3	4
1.	Assistant Collector of Central Excise.	145	In case of flue cured tobacco only, the power to grant one year's extension after the expiry of the normal period of two years, may be exercised by the Asstt. Collectors.

2. The above said delegation of powers is in supersession of the powers pertaining to Rule 145 of Central Excise Rules, 1944, already delegated vide Notification No. 5-CE/71 dated 24-12-71, issued by this Collectorate.

3. The provisions of this Notification will take effect from 1-4-1977.

[Notification No. 1/CE/77/C. No. IV(16)/9-Tech/77]  
K. K. DWIVEDI, Collector

## वाणिज्य मंत्रालय

(समुद्री उत्पाद उद्योग विकास नियंत्रण)

नई दिल्ली, 22 फरवरी, 1977

का० आ० 760.—समुद्री उत्पाद निर्यात विकास प्राधिकरण नियम 1972 के नियम 3 तथा 4 के साथ पठित समुद्री उत्पाद निर्यात विकास प्राधिकरण अधिनियम 1972 (1972 का 13) की धारा 4 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना का०आ०सं० 5233 दिनांक 13 दिसम्बर, 1975 के अधीन गठित समुद्री उत्पाद निर्यात विकास प्राधिकरण कोचीन के सदस्य के रूप में श्री एम० वार्ड० गुप्ते, निदेशक, वित्त मंत्रालय के स्थान पर श्री राजपाल, निदेशक, वित्त प्रभाग, वाणिज्य मंत्रालय, नई दिल्ली को एनद्द्वारा नियुक्त करती है।

[सं० 5/14/75-ई० पी० (आ०-2)]

आर० आर० सिंह, सचिव

## MINISTRY OF COMMERCE

(Marine Products Industry Development Control)

New Delhi, the 22nd February, 1977

S.O. 760.—In exercise of the powers conferred by sub-section (3) of Section 4 of the Marine Products Export Development Authority Act, 1972 (13 of 1972) read with the rules 3 and 4 of the Marine Products Export Development Authority Rules, 1972, the Central Government hereby appoints Shri Raj Pal, Director, (Finance Division), Ministry of Commerce, New Delhi, as a member of the Marine Products Export Development Authority, Cochin constituted under the notification of the Government of India Ministry of Commerce, S.O. No. 5253 dated the 13th December, 1975, vice Shri S. Y. Gupta, Director, Ministry of Finance.

[No. 5/14/75-EP (Agri-II)]

R. R. SINGH, Under Secy.

## संयुक्त मूल्य नियंत्रक आयात-निर्यात का कार्यालय

नई दिल्ली, 4 जनवरी, 1977

लाइसेंस रद्द करने का आदेश

का० आ० 761.—पात्र निर्यात सदन सर्वश्री एमको बैटरीज लि०, श्री नरसिम्हराजा स्कवियर बंगलौर-560002 को (i) वैक्सड कार्टून प्रिन्टिड मास्टर, कार्टून प्रिन्टिड और गत्ता, लहखार गत्ता, मोम के जैसे पेकिंग माल के विनिर्माण के लिए या अन्यथा रूप से निर्यात के लिए अपेक्षित कच्चे माल (ii) योटाशियम डि हाईड्रोजन फामफेट तथा (iii) जैतून के तेल का आयात करने के लिए 1,07,000 रुपये के लिए एक प्रारम्भिक लाइसेंस सं० पी०/इडव्यू/273202, दिनांक 4-1-75 प्रदान किया गया था। उन्होंने लाइसेंस की सीमा शुल्क प्रयोजन प्रति और मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल लाइसेंस की दोनों प्रतियां बिना पंजीकृत कराए हुए खो गई हैं और किसी भी सीमा शुल्क प्राधिकारी से पंजीकृत नहीं कराई गई हैं।

अपने तर्कों के समर्थन में उक्त निर्यात सदन ने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि पुस्तक 1976-77 की कंडिका 320 के अन्तर्गत यथा अपेक्षित एक शपथ पत्र स्टाम्प कागज पर दाखिल किया है। मैं संतुष्ट हूँ कि मूल लाइसेंस की दोनों प्रतियां खो गई हैं।

अद्यतन यथा संशोधित आयात नियंत्रण आदेश 1955, दिनांक 7-12-55 की उप-धारा 9 (सीसी) द्वारा प्रदत्त प्राधिकारों का प्रयोग करते हुए मैं लाइसेंस को रद्द करने का आदेश देता हूँ।

अब उक्त निर्यात सदन के मामले पर आयात व्यापार नियंत्रण नियम तथा क्रियाविधि पुस्तक 1976-67 की कंडिका 320 के अनुसार लाइसेंस की सीमा शुल्क प्रति तथा मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति जारी करने के लिए विचार किया जायेगा।

[सं० आई० एन० आई०/ई० एच०/14/ए० एम०-75/एम० सी०-6/सी० एल० ए०/3627]

के० आर० क्षीर, उप-मुख्य नियंत्रक  
हुते संयुक्त मुख्य नियंत्रक

OFFICE OF THE JOINT CHIEF CONTROLLER OF  
IMPORTS & EXPORTS

New Delhi, the 4th January, 1977

## CANCELLATION ORDER

S.O. 761.—M/s. Amco Batteries Ltd., Shri Narasimharaja Square, Bangalore-560002, and eligible Export House was granted an Initial licence No. P/W/273202 dt. 4-1-75 for Rs. 10700 for the import of (i) Waxed Carions printed Master cartons Printed and the raw materials required for manufacturing of packing materials like card board, corrugated card Boards, Waxed or otherwise for exports (ii) Potassium Dihydrogen Phosphate, and (iii) Olive oil. They have applied for issue of duplicate Custom copy as well as Exchange Control copy of the licences on the ground that the both copies of Original licence have been lost without having been utilised and registered with any Custom authority.

The captioned Export House has filed an affidavit on stamped paper in support of their contention as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1976-77. I am satisfied that the both copies of original licences have been lost.

In exercise of the powers conferred under sub-clause 9-CC Import Control Order 1955 of dt. 7-12-55 as amended upto date, I order the cancellation of the licence.

The captioned Export House case will now be considered for the issue of duplicate Custom copy as well as Exchange Control copy of the licence in accordance with para 320 of I.T.C. Hand Book of Rules & Procedure, 1976-77.

[No. INI/EH/143/AM. 75/SC. VI/CLA/3627]

K. R. DHEER, Dy. Chief Controller  
for Jt. Chief Controller

मद्रास, 29 जनवरी, 1977

आदेश

का० आ० 762.—सर्वश्री निमैल प्लास्टिक वर्क्स, जी०-15, इन्डस्ट्रियल एस्टेट, मद्रास-600058 के नाम प्राधिकार पत्र के माध्यम से निमैल प्लास्टिक वर्क्स फार्मस्यूटिकल्स कारपोरेशन आफ इंडिया लि० नई दिल्ली को अप्रैल-मार्च 1977 अवधि की नीति के अनुसार अप्रैल-मार्च 1974 अवधि के लिए उच्च तथा निम्न घनत्व के पोलिथिमीन मोलडिंग पाउडर के आयात के लिए 30,000 रुपये के लिए एक आयात लाइसेंस सं० जी०/टी०/2426010/सी०/एम्प०/एक्स०/60/एम०/37-38, दिनांक 20-9-76 प्रदान किया गया था।

प्राधिकार पत्र धारक ने उक्त लाइसेंस की मुद्रा विनिमय प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति बिल्कुल भी उपयोग में

लाए बिना खो गई/अस्थानस्थ हो गई है। अपने तर्क के समर्थन में प्राधिकार पत्र धारक एक शपथ पत्र दाखिल किया है।

इस बात से संतुष्ट होने हुए कि आयात लाइसेंस सं० जी०/टी०/2426010/सी०/एक्स एक्स/60/एम/37-38, दिनांक 20-9-76 की मूल मुद्रा विनियम नियंत्रण प्रति खो गई/अस्थानस्थ हो गई है, यह निश्चय किया गया है कि सर्वश्री निर्मल प्लास्टिक वर्क्स, मद्रास-600058 के नाम में जारी किए गए प्राधिकार पत्र के साथ दि स्टेट कैमिकल्स एण्ड फार्मेस्यूटिकल्स कारपोरेशन आफ इण्डिया लि० नई दिल्ली को 30,000 रुपए के लिए लाइसेंस की अनुमिति प्रति जारी की जाए।

आयात लाइसेंस सं० जी०/टी०/2426010/सी०/एक्स एक्स/60/एम/37-38, दिनांक 20-9-76 की मूल मुद्रा विनियम नियंत्रण प्रति इसके मूल्य 30,000 रुपए तक एतद्वारा रद्द की जाती है।

[स० प्लास्टिक/1628/ए एम-74/एस एस आई-2]

आर० कुमारवेलु, उप-मुख्य नियंत्रक  
कृते संयुक्त मुख्य नियंत्रक

### OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS & EXPORTS

Madras, the 29th January, 1977

#### ORDER

**S.O. 762.**—The State Chemicals and Pharmaceuticals Corporation of India Limited, New Delhi were granted an import Licence No. G/T/2426010/C/XX/60/M/37-38 dated 20-9-76 for Rs. 30,000/- with a Letter of authority in favour of M/s. Nirmala Plastic Works, G-15, Industrial Estate, Madras-600058 for import of Polyethylene Moulding Powder Low and High density for the period April-March 1974 as per Policy for April-March 77 period.

The Letter of authority holder has applied for issue of Duplicate copy of the Exchange Control Copy of the above licence on the ground that the original Exchange Control Copy of the licence has been lost/misplaced without utilising it at all. In support of their contention, the letter of authority holder has filed an affidavit.

Having been satisfied that the Exchange Control Copy of the Original Licence No. G/T/2426010/C/XX/60/M/37-38 dated 20-9-76 has been lost/misplaced, it has been decided to issue Duplicate licence for Rs. 30,000/- to The State Chemicals and Pharmaceuticals Corporation of India Limited, New Delhi with a Letter of authority in favour of M/s. Nirmala Plastic Works, Madras-600058.

The Original Exchange Control of Licence No. G/T/2426010/C/XX/M/37-38 dated 20-9-76 is hereby cancelled to the extent of its value Rs. 30,000/-.

[No. Plastic/1628/AM-74/SSI-2]

R. KUMARAVELU, Dy. Chief Controller  
for Jt. Chief Controller

(निर्यात उत्पादन विभाग)

नई दिल्ली, 22 फरवरी, 1977

(इलायची नियंत्रण)

**का० आ० 763.**—इलायची नियम, 1966 के नियम 3 के उप नियम (1) तथा नियम 5 के उपनियम (2) के साथ पठित इलायची अधिनियम 1965 (1965 का 42) की धारा 4 की उपधारा (3) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्रीमती कोमल आनन्द अवर सचिव वाणिज्य मंत्रालय को श्री एस० महादेव अय्यर के स्थान पर एतद्वारा नियुक्त करती है और भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना का० आ० 448(ड) दिनांक 26 अगस्त 1975 में निम्नोक्त संशोधन करती है:—

2 उक्त अधिसूचना के अन्तर्गत सारणी में स्तम्भ दो में क्रमांक (4) के सामने दी गई प्रविष्टि के स्थान पर निम्नोक्त प्रविष्टि प्रति-स्थापित की जाएगी, अर्थात्:—

(4) “श्रीमती कोमल आनन्द,  
अवर सचिव,  
वाणिज्य मंत्रालय,  
नई दिल्ली।”

[फाइल सं० 32(20)/75-प्लांट(बी)]

स्वर्ण सिंह बोपाराय, के० सी०, उप-सचिव

(Department of Export Production)

New Delhi, the 22nd February, 1977

(CARDAMOM CONTROL)

**S.O. 763.**—In exercise of the powers conferred by clause (d) of sub-section (3) of Section 4 of the Cardamom Act, 1965 (42 of 1965), read with sub-rule (1) of rule 3 and sub-rule (2) of rule 5 of the Cardamom Rules, 1966, the Central Government hereby appoints Smt. Komal Anand, Under Secretary, Ministry of Commerce vice Shri S. Mahadeva Iyer and makes the following amendment in the Notification of the Government of India in the Ministry of Commerce, S.O. 448(E), dated the 26th August, 1975 :—

2. In the Table under the said Notification, for the entry in the second column, against Serial No. (4), the following entry shall be substituted, namely :—

(4) “Smt. Komal Anand,  
Under Secretary,  
Ministry of Commerce,  
New Delhi.”

[File No. 32(20)/75-PLANT(B)]

SWARN SINGH BOPARAI, K. C., Dy. Secy.

नई दिल्ली, 22 फरवरी, 1977

रबर नियंत्रण

**का० आ० 764.**—रबर नियम, 1955 के नियम 3 के उप नियम (2) तथा नियम 4 के उप नियम (2) के साथ पठित, रबर अधिनियम 1947 (1947 का 24) की धारा 4 की उपधारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, तमिलनाडू (मद्रास) सरकार की सिफारिश पर भारतीय विदेश सेवा के श्री टी० जयदेव, मुख्य बन सरक्षक (प्रिकाम) मद्रास, को भारतीय विदेश सेवा के श्री के०ए० भोज शेट्टी के स्थान पर इस अधिसूचना के प्रकाशन की तारीख से रबर बोर्ड काट्टयम्-9 के सदस्य के रूप में नियुक्त करते हैं।

[फा० सं० 15(3)/73-प्लांट (बी)]

श्रीमती कोमल आनन्द, अवर सचिव

New Delhi, the 22nd February, 1977

(RUBBER CONTROL)

**S.O. 764.**—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 4 of the Rubber Act, 1947 (24 of 1947), read with sub-rule (2) of rule 3 and sub-rule (2) of rule 4 of the Rubber Rules, 1955, the Central Government hereby appoints on the recommendation of the

Government of Tamil Nadu (Madras) Shri T. Jeyadev, IFS, Chief Conservator of Forests (Development), Madras as a member of the Rubber Board, Kottayam-9 vide Shri K. A. Bhoja Shetty, IFS, with effect from the date of publication of this Notification.

[F. No. 15(3)/73-Plant(B)]  
MRS. KOMAL ANAND, Under Secy.

(बस्त्र विभाग)

नई दिल्ली, 1 मार्च, 1977

का०आ० 765.—केन्द्रीय रेशम बोर्ड अधिनियम 1948 (1948 का 61) की धारा 4(3)(ख) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री मणि नारायणस्वामी, हथकरघा विकास आयुक्त का, वस्त्र आयुक्त बम्बई के स्थान पर, केन्द्रीय बोर्ड के सदस्य के रूप में एतद्वारा मनोनीत करती है और भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना का०आ० सं० 642 दिनांक 26 फरवरी, 1977 में निम्नोक्त सशोधन करती है, अर्थात्:—

उक्त अधिसूचना में क्रमांक 26 के बाद निम्नोक्त, प्रविष्टि प्रतिस्थापित की जायेगी, अर्थात्:—

“27 श्री मणि नारायणस्वामी हथकरघा विकास आयुक्त, नई दिल्ली।”

[का० सं० 25012(24)/76 (ए एंड पी)]

एस० वेणुगोपालन, निदेशक

(Department of Textile)

New Delhi, the 1st March, 1977

S.O. 765.—In exercise of the powers conferred under Section 4(3) (b) of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates Shri Mani Narayanswami, Development Commissioner for Handlooms, as a member of the Central Silk Board vice the Textile Commissioner, Bombay and makes the following amendment in the Notification of the Government of India in the Ministry of Commerce S.O. No. 642 dated the 26th February, 1977.

In the said Notification, after serial No. 26, the following entry shall be inserted, namely:—

“27. Shri Mani Narayanswami, Development Commissioner Handlooms, New Delhi.”

[No. F. 25012/24/76-A&P]

S. VENUGOPALAN, Director

उद्योग मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 22 फरवरी, 1977

का० आ० 766.—भूतपूर्व उद्योग और नागरिक प्रति मंत्रालय (भारी उद्योग विभाग) द्वारा जारी की गई अधिसूचना जिसे दिनांक 31-7-1976 के राजपत्र के पृष्ठ संख्या 2619 पर का० आ० सं० 2757 के अधीन प्रकाशित किया गया में आंशिक रूप से बदलते हुए, केन्द्रीय सरकार एतद्वारा श्री ए० एल० कपूर के पदनाम के संबंध में निम्नलिखित सशोधन करती है:—

अधिकारी का पदनाम

श्री ए० एल० कपूर, वित्त प्रबन्धक,

डेवी इलेक्ट्रिकल इन्विपमेंट प्लांट,

भारत डेवी इलेक्ट्रिकल्स लिमिटेड,

रानीपुर (हृद्वार)

उ० प्र०।

[का० सं० 14-3/74-एच०ई०एम०]

प्रे० ब० सक्सेमा, अवर सचिव

## MINISTRY OF INDUSTRY

(Department of Heavy Industry)

New Delhi, the 22nd February, 1977

S.O. 766.—In partial modification of the notification issued by the erstwhile Ministry of Industry & Civil Supplies (Deptt. of Heavy Industry), published under S.O. No. 2757 on page No. 2619 in the Gazette dated 31-7-1976 the Central Govt. hereby makes the following amendment in respect of the designation of Shri A. L. Kapur.

Designator of the Officer,  
Shri A. L. Kapur,  
Finance Manager  
Heavy Electrical Equipment Plant,  
Bharat Heavy Electrical Ltd.,  
Ranipur (Hardwar)  
U.P.

[F. No. 14-3/74-HEM]

P. B. SAXENA, Under Secy.

## पेट्रोलियम मंत्रालय

नई दिल्ली, 15 फरवरी, 1977

का० आ० 767.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एस० बी० डी० से एस० डी० ओ० तक पेट्रोलियम के परिवहन के लिये पाइप लाइन नेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिये आक्षेप समक्ष अधिकारी, नेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड़ बरौबरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगतः हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

डी० एन० एस० बी० डी० से डी० एस० एस० डी० ओ० तक पाइप लाइन बिछाना

राज्य: गुजरात जिला और तालुका: मेहसाना

गांव	सर्वेक्षण नं०	हेक्टेयर	एप्रार्डि सेण्टियर
मेहसाना	2004/288	0	11 40
	2004/287	0	06 60
	2004/286	0	01 00
	2004/285	0	08 64
	2004/280	0	01 00
	2004/281/पी	0	08 40
	2004/281/पी	0	06 84
	2004/279	0	06 00

[सं० 12016/2/76-एल एंड एल]

## MINISTRY OF PETROLEUM

New Delhi, the 15th February, 1977

**S.O. 767.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SBD to SDO in Gujarat State pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

FOR LAYING PIPELINE FROM D. S. SBD TO D. S. SDO

State : Gujarat

District &amp; Taluka : Mehsana

Village	Survey No.	Hectare	Arc	Centiare
Mehsana	2004/288	0	11	40
	2004/287	0	06	60
	2004/286	0	01	00
	2004/285	0	08	64
	2004/280	0	01	00
	2004/281/P	0	08	40
	2204/281/P	0	06	84
	2004/279	0	06	00

[No. 12016/2/76—L&amp;L]

**का० आ० 768.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में व्यधन क्षेत्र एस० पी० एच(ए) से एन० के० बी० तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पावक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः; अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रबल शक्तियों का प्रयोग करने हुये केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवत् कोई व्यक्ति, उस भूमि के नीचे पाइप-लाइन बिछाने के लिये आक्षेप समक्ष अधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग मकरपुरा रोड़ वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मृतदाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

व्यधन क्षेत्र एस० पी० एच० (ए) से एन० के० बी०

तक उपयोग के अधिकार का अर्जन

राज्य : गुजरात

गांव	सर्वेक्षण सं०	हेक्टेयर	एअररई	सें-टियर
भटारिया	जिला : अहमदाबाद	तालुका : वीरमगम		
	137	0	15	00
मेहमादपुरा	जिला : मेहसाणा	तालुका : मेहसाणा		
	107	0	15	50
	108	0	13	20
	104/1	0	06	00

[न० 12016/5/76-एल एण्ड एल-1]

**S.O. 768.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from DS SPH (A) to NKV in Gujarat State pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

Acquisition of Right of User for DS Sph(A) to Nkv

State : Gujarat

Villages	Survey No.	Hectare	Arc	Centiare
Bhatariya	District : Ahmedabad	Taluka : Viramgam		
	137	0	15	00
Mehmadpura	District : Mehsana	Taluka : Mehsana		
	107	0	15	50
	108	0	13	20
	104/1	0	06	00

[No. 12016/5/76—L&amp;L-I]

**का० आ० 769.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में व्यधन क्षेत्र एस० पी० के० से एन० के० बी० तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पावक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः; अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा

(1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुये केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वर्णन कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिये आशेष समक्ष अधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

कूप नं० एस० पी० के० से एन० के० ई० तक के लिये  
आर० एन० यू०

राज्य : गुजरात	जिला : मेहसाणा	तालुका : मेहसाणा		
गांव	सर्वेक्षण नं०	हेक्टेयर एअररई	सेण्टि-यर	
मेहमादपुरा	64	0	02	00
	67/1	0	10	00
	65	0	05	70
	66	0	03	60
	93	0	18	40
	97	0	08	00
	कार्ट-ट्रैक	0	00	50
	137/1	0	05	00
	137/2	0	02	50

[सं० 12016/5/76-एन एण्ड एन-II]

S.O. 769.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from d.s. SPK to NKE in Gujarat State, pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of User therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

#### R. O. U. FROM WELL NO. SPK TO NKE

State : Gujarat	District : Mehsana	Taluka : Mehsana		
Village	Survey No.	Hectare	Are	Centiare
Mehmadpura	64	0	02	00
	67/1	0	10	00
	65	0	05	70
	66	0	03	60
	93	0	18	40
	97	0	08	00
	Cart-track	0	00	50
	137/1	0	05	00
	137/2	0	02	50

[No. 12016/5/76-L&L-I]

नई दिल्ली, 19 फरवरी, 1977

का० आ० 770.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में फ्लेयर पाइंट से धोलका-10 में डब्लू एच आई तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुये केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वर्णन कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिये आशेष समक्ष अधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

फ्लेयर पाइंट से डब्लू एच आई धोलका-10 तक भूमि के उपयोग के अधिकार का अर्जन

राज्य : गुजरात	जिला : महमदाबाद	तालुका : धोलका		
गांव	सर्वेक्षण नं०	हेक्टेयर एअररई	सेण्टि-यर	
राष्ट्र	234/पेकी	0	03	00
	228	0	04	20

[सं० 12016/11/76-प्रोडक्शन]

New Delhi, the 19th February, 1977

S.O. 770.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Flare Point to W.H.I. at Dholka-10 in Gujarat State pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of User therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

ACQUISITION OF R. O. U. FOR FLARE POINT TO  
W. H. L AT DHOLKA-10

State : Gujarat	District : Ahmedabad	Taluka : Dholka		
Village	Survey No.	Hectare	Are	Centiare
Radhu	234/Paiki	0	03	00
	228	0	04	20

[No. 12016/11/76-Prod.]

का० आ० 771.—यतः पेट्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 1866 तारीख मई 1976 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जन करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जन करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जन किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी संपत्तियों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निश्चित होगा।

## अनुसूची

अधिन क्षेत्र एन के-64, 63 से जी० जी० एस० कादी तक भूमि के उपयोग के अधिकार

राज्य : गुजरात	जिला : मेहसाना	तालुका	कादी	
गांव	सर्वेक्षण नं०	हेक्टेयर	एअरार्ई	सेण्टि-यर
छनासन	48/5	0	07	75
	48/4	0	07	20
	कार्ट-ट्रैक	0	01	08
सूरज	697	0	10	50
	698	0	09	00
	700/2	0	07	80
	708	0	10	40
	707	0	03	50
	705	0	06	00
	706	0	06	20
	कार्ट-ट्रैक	0	00	75
	647	0	12	12
	658	0	19	90

[सं० 12016/7/76-एस एण्ड एन/प्रोडक्शन]

टी० पी० सुब्रह्मनियन, अधीक्षक सचिव

S.O. 771.—Whereas by a notification of the Government of India in the Ministry of Petroleum, S.O. No. 1866 dated May 1976 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the Right of User in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the power conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

ACQUISITION OF R.O.U. FROM D.S. NK-64, 63, TO  
GGS KADI

State : Gujarat	District : Mehsana	Taluka : Kadi		
Village	Survey No.	Hectare	Are	Centiare
Chalasan	48/5	0	07	75
	48/4	0	07	20
Suraj	Cart-track	0	01	08
	697	0	10	50
	698	0	09	00
	700/2	0	07	80
	708	0	10	40
	707	0	03	50
	705	0	06	00
	706	0	06	20
	Cart-track	0	00	75
	647	0	12	12
	658	0	19	90

[No. 12016/7/76-L&amp;L/Prod.]

T. P. SUBRAHMANYAN, Under Secy.

स्वास्थ्य और परिवार नियोजन मंत्रालय  
(स्वास्थ्य विभाग)

नई दिल्ली, 29 दिसम्बर, 1976

का०आ० 772.—केन्द्रीय सरकार स्वास्थ्य योजना (हैदराबाद) नियम 1976 के नियम 1 के उप नियम (3) के अनुसूचन में केन्द्रीय सरकार एतद्द्वारा 6 मई, 1976 से इन नियमों को उन क्षेत्रों में लागू करती है जिनके नाम इस प्रकार हैं :—

उप औपचारिक, बेगमपेट, हैदराबाद :

इस औपचारिक का क्षेत्र इस प्रकार होगा :—

उत्तर . . . उत्तर में इसकी सीमा निजामाबाद रोड और बाउलपास्ली रोड का जंक्शन तथा इस्मन रोड बालानगर सनत नगर मिनाराम पुर, कारखाना होगी।

**वक्षिण** . . . दक्षिण में इसकी सीमा हुसैन सागर टैंक, राज-भवन और सनन नगर रोड, टैंक बंद और सेक्टेटॉरियेट रोड का जंक्शन होगी।

**पूर्व** . . . पूर्व में इसकी सीमा सरदार पटेल रोड और महात्मा गांधी रोड का जंक्शन, मडगोर्ट युध्मागुट्टा, बलरामराय सिंधी कालोनी राम-गोपाल पेट, नालागुट्टा जेम्स स्ट्रीट, रानीगंज होगी।

**पश्चिम** . . . पश्चिम में इसकी सीमा सनन नगर, युसुफगुडा रोड, संजीव रेड्डी नगर, बलकामपेट, फतेह नगर, सनन नगर के बार्डरों का एक हिस्सा अमरपेट, सीमाजोगुडा, येल्ला रेड्डी गुड्डा में होगी।

#### व्याख्यात्मक ज्ञापन

केन्द्रीय सरकार स्वास्थ्य योजना (हैदराबाद) नियम 1976 के अनुसरण में हैदराबाद के कनिष्ठ अनिश्चित क्षेत्रों में केन्द्रीय सरकार स्वास्थ्य योजना 6 मई, 1976 को आरंभ की गई थी। किन्तु कनिष्ठ अप्रतिष्ठित कारणों की वजह से इस संबंध में आवश्यक अधिसूचना जारी करने में देर हो गई। अतः एतद्वारा यह घोषित किया जाता है कि इस योजना को प्रस्तावित पिछली तारीख से लागू करने से किसी व्यक्ति के हित पर इसका प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एम-11011/3/76-के०सं०स्वा० योजना]

### MINISTRY OF HEALTH AND FAMILY PLANNING

(Health Deptt.)

New Delhi, the 29th December, 1976

**S.O. 772.**—In pursuance of sub-rule (3) of rule 1 of the Central Government Health Scheme (Hyderabad) Rules, 1976, the Central Government hereby extends the said rules with effect from the 6th May, 1976 to the following areas namely :—

Sub-dispensary, Begumpet, Hyderabad.

The area of this Dispensary shall be as under :

**North.**—Bounded by North by the Junction of Nizamabad Road and Bownpalli Road and Hasmatpet Road Balanagar Sanat Nagar Sitarampur, Karkhana.

**South.**—Bounded by Hussain Sagar Tank, Raj Bhavan and Sanat Nagar Road junction of Tank Bund and Sectt. Road.

**East.**—Bounded by junction of Sardar Patel Road and Mahatma Gandhi Road, Mudgort Kummagutta, Balaramrai Sindhi Colony Ramgopalpet Nallagutta James Street, Rani Ganj.

**West.**—Bounded by the junction of Sanat Nagar, Yusufguda Road, Sanjivareddy Nagar, Balkamapet, Fateh Nagar and a portion covering Sanat Nagar quarters, Ameerpet, Somjiguda, Yellareddiguda.

#### EXPLANATORY MEMORANDUM

The Central Government Health Scheme was extended to certain additional areas of Hyderabad in pursuance of Central Government Health Scheme (Hyderabad) Rules, 1976 with effect from 6th May 1976. However the issue of necessary notification notifying the same was delayed due to certain unavaldable reasons. It is hereby declared that the proposed retrospective effect will not adversely affect the interest of anybody.

[No. S. 11011/3/76-CGHS]

**का०आ० 773.**—संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा परीक्षा और लेखा विभाग में काम करने वाले व्यक्तियों के संबंध में भारत के नियंत्रक और महालेखापरीक्षक से परामर्श करने के पश्चात् राष्ट्रपति, एतद्वारा केन्द्रीय सरकार स्वास्थ्य योजना (हैदराबाद) नियम, 1976 को संशोधित करने वाले निम्नलिखित नियम बनाने हैं, अर्थात् :—

1. (1) इन नियमों का नाम केन्द्रीय सरकार स्वास्थ्य योजना (हैदराबाद) संशोधन नियम, 1976 होगा।

(2) इन्हें 16 फरवरी, 1976 से प्रवृत्त हुआ समझा जाएगा।

2. केन्द्रीय सरकार स्वास्थ्य योजना (हैदराबाद) नियम, 1976 में नियम 1 में उप-नियम (3) के स्थान पर निम्नलिखित उप-नियम रखा जाएगा, अर्थात् :—

“ये हैदराबाद और सिकन्दराबाद शहरों के उन क्षेत्रों (जिनमें कॉमन्सिड बोर्ड के अंतर्गत क्षेत्र और अधिसूचित क्षेत्र समिति और अन्य सटे हुए क्षेत्र शामिल हैं) में भी लागू होंगे जिन्हें केन्द्रीय सरकार सरकारी राजपत्र में अधिसूचित कर समय-समय पर विहित करेगी।”

#### व्याख्यात्मक ज्ञापन

एक अधिसूचना 16 फरवरी, 1976 को जारी की गई थी जिसके द्वारा केन्द्रीय सरकार स्वास्थ्य योजना की हैदराबाद और सिकन्दराबाद शहरों में भी लागू कर दिया गया।

तथापि, चूंकि हिदायते ये थी कि उक्त योजना को दो शहरों के विभिन्न क्षेत्रों में चरणबद्ध रूप से लागू किया जाए, इसलिए उक्त नियमों में पूर्वव्यापनता से संशोधन करने का प्रस्ताव है ताकि इस योजना को अब विभिन्न क्षेत्रों में उन विभिन्न तारीखों से लागू किया जा सके जब से सरकार ऐसे क्षेत्रों में इस योजना को लागू करने में समर्थ हो। एतद्वारा यह घोषित किया जाता है कि प्रस्तावित पूर्वव्यापी प्रभाव किसी के भी हितों पर विपरीत प्रभाव नहीं डालेगा।

[सं० एम-11011/3/76-के०सं०स्वा० योजना]

**S.O. 773.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, to amend the Central Government Health Scheme (Hyderabad) Rules, 1976 namely :—

1. (1) These rules may be called the Central Government Health Scheme (Hyderabad) Amendment Rules, 1976.

(2) They shall be deemed to have come into force on the 16th February, 1976.

2. In the Central Government Health Scheme (Hyderabad) Rules, 1976, in rule 1, for sub-rule (3), the following sub-rule shall be substituted namely :—

“They shall extend to such areas in the cities of Hyderabad and Secunderabad (including areas under the Cantonment Board and, notified area committee and other contiguous areas) as the Central Government may, from time to time by notification in the Official Gazette, specify”.

#### EXPLANATORY MEMORANDUM

A notification was issued on 16th February, 1976 extending the Central Government Health Scheme to cities of Hyderabad and Secunderabad.

However, as the intention was to bring the Scheme into force in phases in the different areas in two cities it is proposed to amend the rules retrospectively so that the scheme may now be brought into force in different areas on different dates as and when the Government is in a position to extend the scheme to such areas. It is hereby declared that



the proposed retrospective effect will not adversely effect the interests of any body.

[No. S. 11011/3/76-CGHS]

नई दिल्ली, 30 दिसम्बर, 1976

का० अ० 774.—केन्द्रीय सरकार स्वास्थ्य योजना (हैदराबाद) को नियमावली 1976 के नियम 1 के उपनियम (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा 30 दिसम्बर 1976 से इन नियमों को उन क्षेत्रों में लागू करती है जिनके नाम इस प्रकार हैं :—

1 केन्द्रीय सरकार स्वास्थ्य योजना औषधालय, काशीगुड्डा, हैदराबाद :  
इस औषधालय का क्षेत्र इस प्रकार होगा :—

उत्तर . . . उत्तर में इसकी सीमा नारायण गुड्डा रोड हिमायत नगर रोड बरकतपुरा जंक्शन होगी ।  
दक्षिण . . . दक्षिण में इसकी सीमा राजमार्ग (नेशनल हाईवे) नं० 9 तथा सेंट्रल जेल ओल्ड मलकपेट से जाने वाली सड़क का जंक्शन होगी ।  
पूर्व . . . पूर्व में इसकी सीमा अंबरपेट रोड तथा विजय-विद्यालय रोड का जंक्शन होगी ।  
पश्चिम . . . पश्चिम में इसकी सीमा मुन्नीबिन्दी रोड तथा महीपाला रोड का जंक्शन होगी ।

2 केन्द्रीय सरकार स्वास्थ्य योजना, औषधालय, हिमायत नगर, हैदराबाद :  
इस औषधालय का क्षेत्र इस प्रकार होगा :—

उत्तर . . . उत्तर में इसकी सीमा सचिवालय का हुसैन टैंक जंक्शन, टैंक जंक्शन, टैंक बन्द तथा हिमायत नगर रोड होगी ।  
दक्षिण . . . दक्षिण में इसकी सीमा मुक्कम्म याही और जवाहरलाल नेहरू रोड का जंक्शन होगी ।  
पूर्व . . . पूर्व में इसकी सीमा चिककडपल्ली नारायण गुड्डा हिमायत नगर रोड तथा मुन्नीबिन्दी रोड का जंक्शन होगी ।  
पश्चिम . . . पश्चिम में इसकी सीमा पब्लिक गार्डन तथा ओल्ड रोड का जंक्शन होगी ।

3 केन्द्रीय सरकार स्वास्थ्य योजना औषधालय मलकपेट, हैदराबाद :  
इस औषधालय का क्षेत्र इस प्रकार होगा :—

उत्तर . . . उत्तर में इसकी सीमा मलकपेट रेलवे पुल से जाने वाली सीसी नदी होगी ।  
दक्षिण . . . दक्षिण में इसकी सीमा नागार्जुन सागर रोड तथा डी बाजार सैबाबाद और नागार्जुन रोड का जंक्शन होगी ।  
पूर्व . . . पूर्व में इसकी सीमा राजमार्ग (नेशनल हाईवे) लाईन नं० 9, विजयवाडा रोड तथा सरूर नगर और विजयवाडा रोड का जंक्शन होगी ।  
पश्चिम . . . पश्चिम में इसकी सीमा याकुत्तापुरा रेलवे स्टेशन से मलकपेट रेलवे पुल तक जाने वाली रेलवे लाइन होगी ।

[सं० एम-11011/3/76-के०म०स्वा०यो०]  
एन० एम० भाटिया, अध्यक्ष सचिव

New Delhi, the 30th December, 1976

S.O. 774.—In pursuance of sub-rule (3) of rule 1 of the Central Government Health Scheme (Hyderabad) Rules, 1976 the Central Government hereby extends the said rules with effect from the 30th December, 1976 to the following areas, namely :—

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### 1. CGHS Dispensary Kachiguda, Hyderabad

The area of this dispensary shall be as under :—

North.—Bounded in the North by the junction of Narayanguda Road Himayat Nagar Road Barkatpura.  
South.—Bounded in the South by junction of National Highway No. 9 and the road from Central Jail Old Malakpet.  
East.—Bounded in the East by the junction of Amberpet Road and University Road.  
West.—Bounded in the West by the junction of Turrebazzhan Road and Mahipatra Road.

### 2. CGHS Dispensary Himayatnagar, Hyderabad.

The area of this dispensary shall be as Under :—

North.—Bounded in the North by Hussain Sagar Tank junction of Secretariat, Tank Bund and Himayat Nagar Road.  
South.—Bounded in the South by the junction of Mukkaram Jahi and Jawaharlal Nehru Road.  
East.—Bounded in the East by the junction of Chikkadpally Narayanguda Himayat Nagar Road and University Road.  
West.—Bounded in the west by the junction of Public garden and Old Road.

### 3. CGHS Dispensary Malakpet, Hyderabad.

The area of this dispensary shall be as under :—

North.—Bounded in the North by Mosi River extending from Malakpet Railway Bridge.  
South.—Bounded in the South by Nagarjuna Sagar Road and the junction of Edi Bazaar Saidabad and Nagarjuna Sagar Road.  
East.—Bounded in the East by National Highway Line No. 9 Vijayawada Road and the junction of Saroor Nagar and Vijayawada Road.  
West.—Bounded in the West by the Railway Line extending from Yakutpura Railway Station to Malakpet Railway Bridge.

[No. S. 11011/3/76-CGHS]

N. S. BHATIA, Under Secy.

दिल्ली, 18 फरवरी, 1977

का०अ० 775.—भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा भारतीय चिकित्सा परिषद् से परामर्श करते हुए, उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के अंत में निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—  
“तार्थ बंगाल मुन्नीबिन्दी, बेचलर आफ मेडिसिन एम० बी० बी० एम० सिस्त्रीगुडी ।  
एंड बेचलर आफ  
सर्जरी ।

उक्त अधिनियम के प्रयोजनों के लिये यह ग्रहणता तभी मान्यता प्राप्त चिकित्सा ग्रहणता होगी जब वह 11 फरवरी 1978 को या उससे पहले की गई हो ।”

[सं० बी 11025/31/76-एम०पी०टी०]

का०रा० कृष्णमूर्ति, संयुक्त सचिव

New Delhi, the 18th February, 1977

S.O. 775.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act,

1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule, the following entry shall be inserted at the end, namely :—

“North Bengal Bachelor of Medicine M.B.B.S.  
University, and Bachelor of  
Siliguri. Surgeon.”

This qualification shall be recognised medical qualification for the purposes of the said Act when granted on or before 14th February, 1978.”

[No. V. 11025/31/76-MPT]

C. R. KRISHNAMURTHI, Jt. Secy.

नई दिल्ली, 19 फरवरी, 1977

क्र.० भा० 776.—सचिव, भारत सरकार, स्वास्थ्य और परिवार नियोजन मंत्रालय ने, न्याय की निधि के पुनः प्रयोजनों के लिए, उपयोजित करने की प्रस्तावना करते बाले व्यक्ति होने के माने, इसमें उपाखण्ड अनुसूची क में वर्णित निधि की, भारत के पूर्ण विन्यास के कोषपाल में निहित किए जाने और उक्त निधि के प्रशासन के लिए एक स्कीम की व्यवस्था के लिए, आदेश दिया है।

सूचना दी जाती है कि केन्द्रीय सरकार, एम. विन्यास अधिनियम, 1890 (1890 का 6) की धारा 1 और 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और यथापूर्वक आदेश पर और उक्त सचिव की सहमति से आदेश करती है कि इसमें उपाखण्ड अनुसूची क में वर्णित निधि, इस अधिसूचना के प्रकाशन की तारीख से, भारत के पूर्ण विन्यास के कोषपाल और उनके पदोत्तरवर्तियों में, उक्त निधि के प्रशासन के लिए, इसमें उपाखण्ड अनुसूची ख में दी गई स्कीम में वर्णित न्यासों और निवृत्तियों के अनुसरण में, उक्त निधि और उसकी आय को न्यास में धारित करने के लिए (पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के उपबन्धों और समय-समय पर केन्द्रीय सरकार द्वारा तदधीन बनाए गए नियमों के अधीन रहते हुए) निहित होगी और भ्रष्ट से निहित रहेंगी।

और यह भी अधिसूचित किया जाता है कि इसमें उपाखण्ड अनुसूची ख में दी गई स्कीम, उक्त अधिनियम की धारा 5 की उपधारा (1) के अधीन उक्त विन्यास के प्रशासन के लिए बनाई गई है और धारा 5 की उपधारा (3) के अधीन यह भी आदेश दिया जाता है कि यह तुरन्त प्रयुक्त होगी।

#### अनुसूची क

श्रीमती पद्मिनी चन्द्रशेखरन, 'सेल्वा' मेशन स्कूलों का कालो, पाण्डिचेरी द्वारा विन्यास पारितोषिक निधि में एक हजार रुपये का अर्पणद्वारा न्यासी प्रतिष्ठानों में निहित किया जाएगा।

#### अनुसूची ख

श्रीमती पद्मिनी चन्द्रशेखरन 'सेल्वा' मेशन, स्कूलों का कालो, पाण्डिचेरी द्वारा विन्यास के प्रशासन की स्कीम, 'श्रीमती मुणीला सेल्वारदजलौ मेमोरियल पारितोषिक निधि' के नाम से जाना होगा।

- विन्यास का उद्देश्य, वार्षिकता, एक पारितोषिक देना है जो 'मुणीला सेल्वारदजलौ मेमोरियल पारितोषिक' के नाम से जाना होगा।
- उक्त निधि पर उद्भूत ब्याज का उपयोग, पुस्तकों के रूप में ऐसा पारितोषिक देने के लिए किया जाएगा।
- उक्त निधि पर उद्भूत होने वाला वह ब्याज जिसका उपयोग नहीं किया गया है या जो उक्त पारितोषिक के लिए अपेक्षित नहीं है, संचित किया जाएगा और ऐसे संक्षेप की, समय-समय पर उक्त निधि की सामग्री में जोड़ा जाएगा।
- 'मुणीला सेल्वारदजलौ मेमोरियल पारितोषिक, जवाहरलाल स्नातकोत्तर चिकित्सकीय शिक्षा और अनुसंधान, पाण्डिचेरी के उस विद्यार्थी को दिया जाएगा जिसे उस प्रयोजनार्थ की गई प्रतियोगितात्मक परीक्षा,

जिसमें निहित, व्यवहारिक और मौखिक परीक्षा होगी, द्वारा एम.बी.बी.बी. एम. कक्षा के अंतिम वर्ष में बालचिकित्सा के विषय में सर्वोत्तम विद्यार्थी के रूप में अधिनियमित किया गया है। बराबरी की दशा में, वार्षिक न्याय संगत रूप से निर्णित किए जाएंगे।

5 निधि के धन का सही लेखा, प्रवृत्तियाँ, जवाहरलाल स्नातकोत्तर चिकित्सकीय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी द्वारा रखा जाएगा।

6 विन्यास की उक्त निधि, न्यासी प्रतिष्ठानों में निहित होगी और विन्यास का प्रशासन, प्रवृत्तियाँ, जवाहरलाल स्नातकोत्तर चिकित्सकीय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी द्वारा किया जाएगा।

[म. ए. 37020/2/73-एमई (पीजी)]

New Delhi, the 19th February, 1977

S.O. 776.—Whereas the Secretary to the Government of India, Ministry of Health and Family Planning being the person who proposes to apply the Fund in trust for charitable purposes, has applied for vesting the Fund set out in Schedule A annexed hereto in the Treasurer of Charitable Endowments for India and for the settlement of a scheme for the administration of the said Fund.

It is hereby notified that the Central Government in exercise of the powers conferred by sections 4 and 5 of the Charitable Endowments Act, 1890 (6 of 1890) and upon the application as aforesaid and with the concurrence of the said Secretary doth hereby order that the Fund set out in Schedule A annexed hereto shall, as from the date of publication of this notification vest, and be henceforth vested, in the Treasurer of Charitable Endowment, for India to be held by him and his successors in Office (subject to the provisions of the Charitable Endowments Act, 1890 (6 of 1890) and the rules, from time to time, made thereunder by the Central Government) upon trust to hold the said Fund and the income thereof in accordance with the trusts and terms set out in the schemes set forth in Schedule B annexed hereto for the administration of the said Fund.

And it is hereby further notified that the scheme set forth in Schedule B annexed hereto has, under sub-section (1) of section 5 of the said Act, been settled for the administration of the said endowment and under sub-section (3) of the said section 3 it is hereby further ordered that it shall come into force with immediate effect.

#### SCHEDULE A

Contribution of Rupees one thousand by Shrimati Padmini Chandrasekaran, 'Selva Mansions' Rue Cours Chabrol, Pondicherry, towards the Fund for the Endowment Prize, to be invested in trustee securities.

#### SCHEDULE B

Scheme for the administration of the endowment by Shrimati Padmini Chandrasekaran 'Selva Mansions', Rue Cours Chabrol, Pondicherry, to be known as 'Smt. Suseela Selvaradjalou Memorial Prize Fund'.

- The object of the endowment is to award annually a prize which shall be known as the 'Suseela Selvaradjalou Memorial Prize'.
- The interest accruing on the said Fund shall be utilized for the award of such prize in the form of books.
- Any interest accruing on the said fund which has not been utilised or which is not required for said prize, shall be accumulated and such accumulation shall, from time to time, be added to the corpus of the said Fund.

4. The 'Suseela Selvaradjalou Memorial Prize' shall be awarded to the student of the Jawaharlal Institute of Postgraduate Medical Education and Research, Pondicherry who is adjudged as the best student in the subject of Paediatrics in the Final year M.B.B.S. Class by holding a competitive examination for the purpose which shall consist of a written, clinical and oral examinations. In the event of a tie, the prizes shall be equitably distributed.

5. All accounts of the monies in the said Fund shall be kept by the Principal, Jawaharlal Institute of Postgraduate Medical Education and Research, Pondicherry.

6. The said Fund of the Endowment shall be invested in Trustee Securities and the Endowment shall be administered by the Principal, Jawaharlal Institute of Postgraduate Medical Education and Research, Pondicherry.

[No. A. 37020/2/72-MF(PG)]

का० आ० 777.—पंचिम, भारत सरकार, स्वास्थ्य और परिवार नियोजन मंत्रालय ने, न्याम की निधि को पूर्णप्रयोजनता के लिए उपयोगित करने की प्रस्तावना करने वाले व्यक्ति होने के नाते, इसमें उपावद्ध अनुसूची क में दशित निधि को, भारत के पूर्ण विन्यास के कोषपाल में निहित किए जाने और उक्त निधि के प्रशासन के लिए एक स्कीम की व्यवस्था के लिए आवेदन किया है।

सूचना दी जाती है कि केन्द्रीय सरकार, पूर्ण विन्यास अधिनियम, 1890 (1890 का 6) की धारा 1 और 5 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और यथापूर्वोक्त आवेदन पर और उक्त मन्त्रिमंडल की मंजूरी से आदेश करने के लिए इसमें उपावद्ध अनुसूची क में दशित निधि, इस अधिसूचना के प्रकाशन की तारीख से, भारत के पूर्ण विन्यासों के कोषपाल और उसके पदोत्तराधिकारियों में, उक्त निधि के प्रशासन के लिए इसमें उपावद्ध अनुसूची ख में दी गई स्कीम में दशित व्यासों और निबन्धनों के अनुसरण में, उक्त निधि और उसकी आय को न्याम में धनरहित करने के लिए (पूर्ण विन्यास अधिनियम, 1890 (1890 का 6) के उपबन्धों और समय-समय पर केन्द्रीय सरकार द्वारा तदनुषंग बनाए गए नियमों के अधीन रहने हुए) निहित होगी और अब में निहित रहेगी।

और यह भी अधिसूचित किया जाता है कि इसमें उपावद्ध अनुसूची ख में दी गई स्कीम, उक्त अधिनियम की धारा 5 की उपधारा (1) के अधीन उक्त विन्यास के प्रशासन के लिए बनाई गई है और धारा 5 की उपधारा (3) के अधीन यह भी आदेश किया जाता है कि यह तुरन्त प्रवृत्त होगी।

#### अनुसूची क

जवाहरलाल स्नातकोत्तर चिकित्सालय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी के कर्मचारिवृन्द और विद्यार्थियों द्वारा, विन्यास पारितोषिक निधि से एक हजार रुपये का अग्रदाय व्यासों प्रतिभूतियों में विनिश्चित किया जाएगा।

#### अनुसूची ख

जवाहरलाल स्नातकोत्तर चिकित्सालय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी के कर्मचारिवृन्द और विद्यार्थियों द्वारा विन्यास के प्रशासन की स्कीमों डा० एम० के० रामनाथन मेमोरियल पारितोषिक निधि के नाम से जान होगी।

1. विन्यास का उद्देश्य, प्रतिवर्ष एक पारितोषिक देना है जो 'डा० एम० के० रामनाथन मेमोरियल पारितोषिक' के नाम से जान होगा।

2. उक्त निधि पर उद्भूत व्याज का उपयोग, पुस्तकों के रूप में ऐसा पारितोषिक देने के लिए किया जाएगा।

3. उक्त निधि पर उद्भूत होने वाला वृद्ध व्याज, जिसका उपयोग नहीं किया गया है या जो उक्त पारितोषिक के लिए अपेक्षित नहीं है, संक्षिप्त किया जाएगा और ऐसे संक्षेप को, समय-समय पर उक्त निधि की रकम में जोड़ा जाएगा।

1. डा० एम० के० रामनाथन मेमोरियल पारितोषिक, जवाहरलाल स्नातकोत्तर चिकित्सकीय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी के उक्त विद्यार्थी को दिया जाएगा जिसे उक्त प्रयोजनार्थ ली गई प्रतियोगितात्मक परीक्षा, जिसमें लिखित, व्यवहारिक और मौखिक परीक्षा होगी, द्वारा तृतीय वर्ष एम० बी० बी० एम० कक्षा में जैव रसायन के विषय में सर्वोत्तम

विद्यार्थी के रूप में अधिनिर्णीत किया गया हो। वरिष्ठरी की वंश में, पारितोषिक व्यायसगत रूप से वितरित किए जाएंगे।

5. निधि के धन का सभी लेखा, प्रधानाचार्य, जवाहरलाल स्नातकोत्तर चिकित्सकीय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी द्वारा रखा जाएगा।

6. विन्यास की उक्त निधि, व्यासों प्रतिभूतियों में विनिश्चित होगी और विन्यास का प्रशासन, प्रधानाचार्य, जवाहरलाल स्नातकोत्तर चिकित्सकीय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी द्वारा किया जाएगा।

[सं० ए० 37020/2/72-एम ई (पीजी)]

S.O. 777.—Whereas the Secretary to the Government of India, Ministry of Health and Family Planning being the person who proposes to apply the Fund in trust for charitable purposes, has applied for vesting the Fund set out in Schedule A annexed hereto in the Treasurer of Charitable Endowments for India and for the settlement of a scheme for the administration of the said Fund,

It is hereby notified that the Central Government in exercise of the powers conferred by sections 4 and 5 of the Charitable Endowments Act, 1890 (6 of 1890) and upon the application as aforesaid and with the concurrence of the said Secretary doth hereby order that the Fund set out in Schedule A annexed hereto shall, as from the date of publication of this notification vest, and be henceforth vested, in the Treasurer of Charitable Endowments for India to be held by him and his successors in office (subject to the provisions of the Charitable Endowments Act, 1890 (6 of 1890) and the rules, from time to time made thereunder by the Central Government) upon trust to hold the said Fund and the income thereof in accordance with the trusts and terms set out in the Scheme set forth in Schedule B annexed hereto for the administration of the said Fund.

And it is hereby further notified that the scheme set forth in Schedule B annexed hereto has, under sub-section (1) of section 5 of the said Act, been settled for the administration of the said endowment and, under sub-section (3) of section 5, it is hereby further ordered that it shall come into force with immediate effect.

#### SCHEDULE A

Contribution of Rupees one thousand by the staff and students of Jawaharlal Institute of Post-graduate Medical Education and Research, Pondicherry, towards the Fund for the Endowment Prize, to be invested in trustee securities.

#### SCHEDULE B

Scheme for the administration of the endowment by the staff and students of Jawaharlal Institute of Postgraduate Medical Education and Research, Pondicherry, to be known as 'Dr. M. K. Ramanathan Memorial Prize Fund'.

1. The object of the endowment is to award annually a prize which shall be known as "Dr. M. K. Ramanathan Memorial Prize".

2. The interest accruing on the said Fund shall be utilized for the award of such prize in the form of books.

3. Any interest accruing on the said fund which has not been utilised or which is not required for said prize, shall be accumulated and such accumulation shall, from time to time, be added to the corpus of the said Fund.

4. The Dr. M. K. Ramanathan Memorial Prize shall be awarded to the student of the Jawaharlal Institute of Post Graduate Medical Education and Research, Pondicherry who is adjudged as the best student in the subject of Biochemistry in the Third Year MBBS Class by holding a competitive examination for the purpose which shall consist of a written, practical and oral examination. In the event of a tie, the prizes shall be equitably distributed.

5. All account of the monies in the said Fund shall be kept by the Principal, Jawaharlal Institute of Postgraduate Medical Education and Research, Pondicherry.

6. The said Fund of the Endowment shall be invested in Trustee Securities and the Endowment shall be administered by the Principal, Jawaharlal Institute of Postgraduate Medical Education and Research, Pondicherry.

[No. A. 37020/2/72-ME(PG)]

का० आ०. 778.—सचिव, भारत सरकार, स्वास्थ्य और परिवार नियोजन मंत्रालय ने, न्याय की निधि को पूर्ण प्रयोजना के लिए उपयोगित करने की प्रस्थापना करने वाले व्यक्ति होने के नाते, इससे उपाय अन्तुसूची क में दशित निधि को, भारत के पूर्ण विन्यास के कोषपाल में निहित किए जाने और उक्त निधि के प्रशासन के लिए एक स्कीम की व्यवस्था के लिए आवेदन किया है।

सूचना दी जाती है कि केन्द्रीय सरकार, पूर्ण विन्यास अधिनियम, 1890 (1890 का 6) की धारा 4 और 5 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और यथापूर्वक आवेदन पर और उक्त सचिव की सहमति से आवेदन करती है कि इससे उपाय अन्तुसूची क में दशित निधि, इस अधिसूचना के प्रकाशन की तारीख से, भारत के पूर्ण विन्यासों के कोषपाल और उसके पवोत्तरवित्तियों में, उक्त निधि के प्रशासन के लिए, इससे उपाय अन्तुसूची ख में दी गई स्कीम में दशित न्यायों और निबन्धनों के अनुसरण में, उक्त निधि और उसकी आय को न्याय में धारित करने के लिए [पूर्ण विन्यास अधिनियम, 1890 (1890 का 6) के उपबन्धों और समय-समय पर केन्द्रीय सरकार द्वारा तदधीन बनाए गए नियमों के अधीन रहते हुए] निहित होगी और अब से निहित रहेगी।

और यह भी अधिसूचित किया जाता है कि इससे उपाय अन्तुसूची ख में दी गई स्कीम, उक्त अधिनियम की धारा 5 की उपधारा (1) के अधीन उक्त विन्यास के प्रशासन के लिए बनाई गई है और धारा 5 की उपधारा (3) के अधीन यह भी आवेदन किया जाता है कि यह तुरन्त प्रवृत्त होगी।

#### अन्तुसूची क

श्रीमती पद्मिनी चन्द्रशेखरन, सेल्वा मैनशन रयूकोर्ज चब्रोल, पाण्डिचेरी द्वारा, विन्यास पारितोषिक निधि में एक हजार रुपये का अंशदाय न्यासी प्रतिभूतियों में विनिहित किया जाएगा।

#### अन्तुसूची ख

श्रीमती पद्मिनी चन्द्रशेखरन, 'सेल्वा मैनशन' रयूकोर्ज चब्रोल, पाण्डिचेरी द्वारा विन्यास के प्रशासन की स्कीम, 'श्री सेल्वराजलौ चेट्टियार मेमोरियल पारितोषिक निधि के नाम से ज्ञात होगी।

1. विन्यास का उद्देश्य, प्रति वर्ष एक पारितोषिक देना है जो श्री एन सेल्वराजलौ चेट्टियार मेमोरियल पारितोषिक के नाम से ज्ञात होगा।
2. उक्त निधि पर उद्भूत व्याज का उपयोग, पुस्तकों के रूप में ऐसा पारितोषिक देने के लिए किया जाएगा।
3. उक्त निधि पर उद्भूत होने वाला वह व्याज जिसका उपयोग नहीं किया गया है या जो उक्त पारितोषिक के लिए अपेक्षित नहीं है, संचित किया जाएगा और ऐसे संचय को, समय-समय पर उक्त निधि की रकम में जोड़ा जाएगा।
4. सेल्वराजलौ चेट्टियार मेमोरियल पारितोषिक, जवाहरलाल स्नातकोत्तर चिकित्सीय शिक्षा और अनुसंधान, पाण्डिचेरी के उस विद्यार्थी को दिया जाएगा जो निरोधक और सामाजिक औषध के विषय में सर्वोत्तम विद्यार्थी के रूप में अधिनियमित किया गया हो, और इस प्रयोजन के लिए उस विद्यार्थी को, जिसने निरोधक और सामाजिक औषध विषय प्रथम प्रयत्न में उत्तीर्ण कर लिया है तथा विश्वविद्यालय की एम०बी०बी०एस० की अन्तिम परीक्षा में उक्त विषय में अधिकतम अंक भी प्राप्त किए हैं, सर्वोत्तम विद्यार्थी समझा जाएगा। बराबरी की दशा में, पारितोषिक न्याय संगत रूप से वितरित किए जाएंगे।

5. निधि के धन का सभी लेखा, प्रधानाचार्य, जवाहरलाल स्नातकोत्तर चिकित्सीय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी द्वारा रखा जाएगा।

6. विन्यास की उक्त निधि, न्यासी प्रतिभूतियों में विनिहित होगी और विन्यास का प्रशासन, प्रधानाचार्य, जवाहरलाल स्नातकोत्तर चिकित्सीय शिक्षा और अनुसंधान संस्थान, पाण्डिचेरी द्वारा किया जाएगा।

[सं० ए० 37020/2/72-एमई (पीजी)]

टी० के० दाम, अवर सचिव

S.O. 778.—Whereas the Secretary to the Government of India, Ministry of Health and Family Planning being the person who proposes to apply the Fund in trust for charitable purposes, has applied for vesting the Fund set out in Schedule A annexed hereto in the Treasurer of Charitable Endowments for India and for the settlement of a scheme for the administration of the said Fund.

It is hereby notified that the Central Government in exercise of the powers conferred by sections 4 and 5 of the Charitable Endowments Act, 1890 (6 of 1890) and upon the application as aforesaid and with the concurrence of the said secretary doth hereby order that the Fund set out in Schedule A annexed hereto shall, as from the date of publication of this notification vest, and be henceforth vested, in the Treasurer of Charitable Endowments for India to be held by him and his successors in office (subject to the provisions of the Charitable Endowments Act, 1890 (6 of 1890) and the rules, from time to time made thereunder by the Central Government) upon trust to hold the said Fund and the income thereof in accordance with the trusts and terms set out in the Scheme set forth in Schedule B annexed hereto for the administration of the said Fund.

And it is hereby further notified that the scheme set forth in Schedule B annexed hereto has, under sub-section (1) of section 5 of the said Act, been settled for the administration of the said endowment and, under sub-section (3) of section 5, it is hereby further ordered that it shall come into force with immediate effect.

#### SCHEDULE A

Contribution of Rupees one thousand by Shrimati Padmini Chandrasekharan, 'Selva Mansions' Rue Cours Chabrol, Pondicherry, towards the funds for the Endowment Prize, to be invested in trustee securities.

#### SCHEDULE B

Scheme for the administration of the endowment by Shrimati Padmini Chandrasekharan, 'Selva Mansion', Rue Cours Chabrol, Pondicherry, to be known as 'Shri Selvaradjalou Chettiar Memorial Prize Fund'.

1. The object of the endowment is to award annually a prize which shall be known as the 'Shri N. Selvaradjalou Chettiar Memorial Prize'.
2. The interest accruing on the Fund shall be utilized for the award of such prize in the form of books.
3. Any interest accruing on the said Fund which has not been utilised or which is not required for said prize, shall be accumulated and such accumulation shall, from time to time, be added to the corpus of the said Fund.
4. The Selvaradjalou Chettiar Memorial Prize shall be awarded to the student of the Jawaharlal Institute of Post Graduate Medical Education and Research, Pondicherry who is adjudged as the best student in the subject of Preventive and Social Medicine and for this purpose the student who has passed in Preventive and Social Medicine subject in the first attempt and also has secured the highest marks in the said subject in the University Examination of the Final MBBS, shall be considered as the best student. In the event of tie, the prizes shall be equitably distributed.
5. All account of the monies in the said Fund shall be kept by the Principal, Jawaharlal Institute of Postgraduate Medical Education and Research, Pondicherry.

6. The said Fund of the Endowment shall be invested in Trustee Securities and the Endowment shall be administered by the Principal, Jawaharlal Institute of Postgraduate Medical

Education and Research, Pondicherry.

[No. A. 37020/2/72-ME(PG)]

T. K. DAS, Under Secy.

### ऊर्जा मंत्रालय

#### (कोयला विभाग)

नई दिल्ली, 21 फरवरी, 1977

का० आ० 779.—कोयला खनिज क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन, भारत सरकार के ऊर्जा मंत्रालय, कोयला विभाग की अधिसूचना सं० का० आ० 1437, तारीख 29 अप्रैल, 1975 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से उपाखण्ड अनुसूची में विनिर्दिष्ट क्षेत्र में 820.00 एकड़ (लगभग) या 331.83 हेक्टेयर (लगभग) भूमि में कोयले के लिए पूर्वेक्षण करने के अपने आशय की सूचना की थी,

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमियों के भागों में कोयला अभिप्राय है—

अतः अब, कोयला क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 7 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग, करने हुए, केन्द्रीय सरकार, इससे उपाखण्ड अनुसूची में वर्णित 758.81 एकड़ (लगभग) या 307.079 हेक्टेयर (लगभग) माप की भूमि में खनिजों के खनन, खदान, खदान उनकी खुदाई और तलाशी करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ढोने के अधिकारों को अर्जित करने के अपने आशय की सूचना देती है।

टिप्पण 1.—इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक का निरीक्षण कम्प्यूटर कार्यालय, नागपुर (महाराष्ट्र) या कोयला नियंत्रक कार्यालय, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता में या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) कार्यालय, बिसेसर हाउस, टैम्पल रोड नागपुर (महाराष्ट्र) में किया जा सकेगा।

टिप्पण 2.—कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को केन्द्रीय सरकार द्वारा, अधिनियम के अधीन, सक्षम प्राधिकारी नियुक्त किया गया है।

#### अनुसूची

कामटी ब्लॉक 'ब' विस्तारण

कामटी कोयला क्षेत्र

(महाराष्ट्र)

डी० आर० जी० सं० डब्ल्यू० सी०एन०/सी०-1(ई)/पी एल० जी०/के० ए० एम० जी०/लेंड/5-76

तारीख 16-10-76

(जिसमें वे भूमियां वर्णित हैं जिनमें खनिजों के खनन, खदान क्षेत्र उनकी खुदाई और तलाशी करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ढोने के अधिकार अर्जित किए जाने हैं)

#### (खनन अधिकार)

क्रम सं०	ग्राम का नाम	मौजा सं०	पटवारी सफिल सं०	तहसील	जिला	एकड़ों में क्षेत्र		कुल	टिप्पण
						राजस्व भूमि	सरकारी भूमि		
1	2	3	4	5	6	7	8	9	10
1. पिपला	.	144	11	साधोनेर	नागपुर	614.34	64.62	678.96	भाग
2. रानाला	.	183	9	साधोनेर	नागपुर	44.57	6.39	50.96	भाग
3. बहेगाव	.	108	4	साधोनेर	नागपुर	27.89	1.00	28.98	भाग
						686.80	72.01	758.81	
						एकड़ (लगभग)	एकड़ (लगभग)	एकड़ (लगभग)	
						272.938	29.141	307.079	
						हेक्टेयर (लगभग)	हेक्टेयर (लगभग)	हेक्टेयर (लगभग)	

1 पिपला ग्राम में अर्जित की जाने वाली प्लॉट-संख्याएं

2(पी), 3(पी), 4, 5, 6(पी), 8(पी), 10(पी), 11, 12(पी), 13 से 17, 18(पी), 19 (पी), 24(पी), 25 से 33, 34 (पी), 36 से 38, 43 (पी), 44 से 46, 47 (पी), 48 से 90, 100 से 169

2 रानाला ग्राम में अर्जित की जाने वाली प्लॉट-संख्याएं

2(पी), 3, 4(पी), 8(पी), 10 (पी), 11 से 14, 15(पी), 94 (पी), 95, 96, 97 (पी), 101 (पी), 102, 103, 104 (पी)

3 बहेगाव ग्राम में अर्जित की जाने वाली प्लॉट-संख्याएं

15 से 17, 18 (पी), 19 (पी), 20 (पी), 22 (पी), 23 (पी), 24 (पी)

## सीमा वर्णन

क-ख.—रेखा, पिपलाग्राम के प्लॉट सं० 2, 3, 6, 8, 12, 10, 134, 35, 43 और 47 से होकर गुजरती है और बिन्दु 'ख' से जा मिलती है।

ख-ग.—रेखा, भागत, पिपला और तलती ग्रामों की सांझी सीमा के साथ-साथ, और भागत, पिपला और रानाला ग्रामों की सांझी सीमा के साथ-साथ जाती है तथा बिन्दु 'ग' से जा मिलती है।

ग-घ.—रेखा, रानाला ग्राम के प्लॉट सं० 2, 4, 10, 8 से होकर जाती है और इसी ग्राम के प्लॉट सं० 15 से बिन्दु 'घ' से जा मिलती है।

घ-ङ.—रेखा, रानाला ग्राम के प्लॉट सं० 15, 94, 104, 101 और 97 से होकर जाती है और दहेगाव ग्राम के प्लॉट सं० 20, 19, 22, 18, 23 और 24 से होकर जाती है और बिन्दु 'ङ' से जा मिलती है।

ङ-च.—रेखा, पिपला और दहेगाव ग्रामों में मड़क की उत्तरी सीमा के साथ-साथ जाती है और बिन्दु 'च' से जा मिलती है।

च-छ.—रेखा, प्लॉट सं० 24 से होकर प्लॉट सं० 90 (मड़क) की पश्चिमी सीमा के साथ-साथ जाती है और घागे, भागत : प्लॉट सं० 17 (मड़क) की पश्चिमी सीमा के साथ-साथ और भागत : पिपला ग्राम के प्लॉट सं० 19 और 18 से होकर जाती है और बिन्दु 'छ' से जा मिलती है।

छ-क.—रेखा, केदाम और पिपला ग्रामों की सांझी सीमा के साथ-साथ जाती है और प्रारम्भिक बिन्दु 'क' से जा मिलती है।

[सं० 19(67)/76-सी०एच०]

चन्द्र धर त्रिपाठी, निदेशक

## MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 21st February, 1977

S.O. 779. --Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal No. S. O. 1437, dated the 29th April, 1975 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intension to prospect for coal in lands measuring 820.00 acres (approximately) or 331.83 hectares (approximately) in the locality specified in the Schedule appended to that notification;

And, whereas the Central Government is satisfied that coal is obtainable in the part of the said land;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to acquire rights to mine, quarry, bore, big and search for, win, work and carry away minerals in the lands measuring 758.81 acres (approximately) or 307.079 hectares (approximately) described in the Schedule appended hereto.

NOTE 1 : The plan of the area covered by this notification may be inspected in the Office of Collector, Nagpur (Maharashtra) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Western Coalfields Limited (Revenue Section), Bisesar House, Temple Road, Nagpur (Maharashtra).

NOTE 2 : The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act.

## SCHEDULE

## KAMPTEE BLOCK 'B' EXTENSION

## KAMPTEE COALFIELDS

## (MAHARASHTRA)

Drg. No. WCL/C-1 E/PLG/KAM-B/LAND/5-76

Dated : 16-10-1976

(Showing lands where rights to mine, quarry, bore, big and search for, win, work and carry away minerals are to be acquired.)

## MINING RIGHTS

Sl. No.	Name of Village	Mouza No.	Patwari Circle No. Tahsil	District	Area in acres		Total acres	Remarks
					Revenue land	Govern land		
1.	Pipla	144	11 Saoner	Nagpur	614.34	64.62	678.96	Part
2.	Ranala	183	9 Saoner	Nagpur	44.57	6.39	50.96	Part
3.	Dahegaon	108	4 Saoner	Nagpur	27.89	1.00	28.89	Part
					686.80 acres	72.01 acres	758.81 acres	
					(Approximately)	(Approximately)	(Approximately)	
					or	or	or	
					277.938 Hectares	29.141 Hectares	307.079 Hectares	
					(Approximately)	(Approximately)	(Approximately)	

1. Plot numbers to be acquired in village Pipla. 2(P), 3(P), 4, 5, 6(P), 10(P), 11, 12(P), 13(P) to 17, 18(P), 19(P), 24(P), 25 to 33, 34(P), 35(P), 36 to 38, 43(P), 44 to 46, 47(P), 48 to 90, 100 to 169.
2. Plot numbers to be acquired in village Ranala. 2(P), 3, 4(P), 8(P), 10(P), 11 to 14, 15(P), 94(P), 95, 96, 97(P), 101(P), 102, 103, 104(P)
3. Plot numbers to be acquired in village Dahegaon. 15 to 17, 18(P), 19(P), 20(P), 22(P), 23(P), 24(P).

## BOUNDARY DESCRIPTION :

- A—B Line passes through plot Nos. 2, 3, 6, 8, 12, 10, 114, 35, 43 and 47 of village Pipla and meets at point 'B'.
- B—C Line passes partly along the common boundary of villages Pipla and Walni and partly along the common boundary of villages Pipla and Ranala and meets at point 'C'.
- C—D Line passes through plot Nos. 2, 4, 10, 8 of village Ranala and meets at point 'D' in plot No. 15 of the same village.
- D—E Line passes through plot Nos. 15, 94, 104, 101 and 97 of village Ranala and through plot Nos. 20, 19, 22, 18, 23 and 24 of village Dahegaon and meets at point 'E'.
- F—F Line passes along the northern boundary of road in villages Pipla and Dahegaon and meets at point 'F'.
- F—G Line passes along the western boundary of plot No. 90 road and through plot No. 24 and proceeds further partly along the western boundary of plot No. 17 (road) and partly through plot Nos. 19 and 18 of village Pipla and meets at point 'G'.
- G—A Line passes along the common boundary of villages Kaodas and Pipla and meets at starting point 'A'.

[No. 19(67)/76-CL]

C. D. TRIPATHI, Director

## अन्तरिक्ष विभाग

बंगलूर, 10 फरवरी, 1977

क्र०आ० 780—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रवक्तृ शक्तियों का प्रयोग करते हुए, अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) नियम, 1976 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्—

1 (i) इन नियमों का नाम अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) संशोधन नियम, 1977 है।

(ii) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2 अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) नियम, 1976 के नियम 11 के उप-नियम (8) में निम्नलिखित टिप्पण जोड़ा जाएगा, अर्थात्:—

“टिप्पण—कर्मचारी किसी ऐसे अन्य कर्मचारी अथवा केन्द्रीय या राज्य सरकार के किसी अन्य विभाग के किसी ऐसे सरकारी सेवक की सहायता नहीं लेगा, जिसके द्वारा में ऐसे दो अनुशासनिक मामलों सम्बन्ध हों, जिनमें उसे सहायता देनी है।”

[स० 2/10(32)/76-1]

टी० ए० मेनन, अधीक्षक

## DEPARTMENT OF SPACE

Bangalore, the 10th February, 1977

S.O. 780.—In exercise of the powers conferred by proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Department of Space Employees (Classification, Control and Appeal) Rules, 1976 namely:—

1. (i) These rules may be called the Department of Space Employees (Classification, Control and Appeal) Amendments Rules, 1977.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. To sub-rule (8) of rule 11 of the Department of Space Employees' (Classification, Control and Appeal) Rules 1976, the following note shall be added, namely:—

'Note: The employee shall not take the assistance of any other employee or a Government servant belonging to any other Central or State Government Department who has two pending disciplinary cases on hand in which he has to give assistance'.

[No. 2/10(32)/76-II]

P. A. MENON, Under Secy

## विज्ञान और प्रौद्योगिकी विभाग

नई दिल्ली, 23 फरवरी, 1977

क्र०आ० 781—राष्ट्रपति, मूल नियमावली के नियम 45 के अनुसूचन में, भारतीय सर्वेक्षण सम्पदा में सरकारी निवासों के आश्रयन नियम, 1974 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्—

1 (1) इन नियमों का नाम भारतीय सर्वेक्षण सम्पदा में सरकारी निवासों का आश्रयन (संशोधन) नियमावली, 1977 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2 भारतीय सर्वेक्षण सम्पदा में सरकारी निवासों का आश्रयन नियम, 1974 में,—

(i) अनुसूचक नियम 317-क 16 में, (1) में खण्ड (ग) में, निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा अर्थात्—  
“परन्तु आश्रयन तब तक रद्द नहीं किया जाए जब तक कि उस सरकारी कर्मचारी को, प्रस्थापित कार्यवाही के विरुद्ध कारण बनाने का व्यक्तिगत अवसर न दे दिया गया हो।”

(ii) अनुसूचक नियम 317-क ज-12 में, उपनियम (6) में “यह संबंधित निदेशक से” शर्तों के स्थान पर, “यह, उसके लिए जो कारण हैं उन्हें पेशबद्ध करके, संबंधित निदेशक से” शब्द रखे जाएंगे।

(iii) अनुसूचक नियम 317-क ज-19 में, उपनियम (v) के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात्:—

“परन्तु निवास का आश्रयन तब तक रद्द नहीं किया जाएगा जब तक कि उस अधिकारी को व्यक्तिगत रूप से सुनवाई का व्यक्तिगत अवसर न दे दिया गया हो।”

[कार्डिनल सं० 8-22/75-सर्वे०-2]

टी० ए० विजयनाथन, अधीक्षक

**DEPARTMENT OF SCIENCE & TECHNOLOGY**

New Delhi, the 23rd February, 1977

**S.O. 781.**—In pursuance of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Allotment of Government Residences in the Survey of India Estates Rules, 1974, namely :—

1. (1) These rules may be called the Allotment of Government Residences in the Survey of India Estates (Amendment) Rules, 1977.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Allotment of Government Residences in the Survey of India Estates Rules, 1974,—

(i) in rule S.R. 317-AH-6, in sub-rule (1), in clause (c), the following proviso shall be inserted, namely :—

“Provided that the allotment shall not be cancelled except after giving to the Government servant a reasonable opportunity of showing cause against the proposed action.”;

(ii) in rule S. R. 317-AH-12, in sub-rule (6), for the words “he may require the Director concerned, to cancel”, the words “he may, for reasons to be recorded in writing, require the Director concerned to cancel” shall be substituted;

(iii) in rule S. R. 317-AH-19, after sub-rule (1), the following proviso shall be inserted, namely :—

“Provided that the allotment of the residence shall not be cancelled except after giving to the officer a reasonable opportunity of being heard in person.”

[File No. 8-22/75-Sur-2]

T. L. VISWANATHAN, Under Secy.

**कृषि व सिंचाई मंत्रालय**

(ग्राम विकास विभाग)

नई दिल्ली, 25 फरवरी, 1977

**क्र०आ० 782.**—केन्द्रीय सरकार कृषि उपज (श्रेणीकरण और चिन्हन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बेसन श्रेणीकरण और चिन्हन नियम, 1975 में संशोधन करना चाहती है। जैसा कि उक्त धारा में अंग्रेजित है, प्रस्तावित संशोधनों का निम्नलिखित प्रारूप उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जा रहा है जिनके उससे प्रभावित होने की संभावना है। इसके द्वारा सूचना दी जाती है कि संशोधनों के उक्त प्रारूप पर उस तारीख से पैंतालिस दिन की समाप्ति पर विचार किया जाएगा जिसको भारत के उस राजपत्र की प्रतियाँ जनता को उपलब्ध कराई गई हों जिसमें यह अधिसूचना प्रकाशित की गई थी।

ऊपर विनिर्दिष्ट तारीख से पूर्व उक्त प्रारूप की बाबत जो भी आक्षेप या सुझाव किसी व्यक्ति से प्राप्त होंगे केन्द्रीय सरकार उन पर विचार करेगा।

नियमों का प्रारूप

(1) इन नियमों का नाम बेसन श्रेणीकरण और चिन्हन (संशोधन) नियम, 1977 है।

(2) बेसन श्रेणीकरण और चिन्हन नियम, 1975 में, नियम 6 में, उपनियम (2) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात् :—

“(2) प्रत्येक पात्र पर निम्नलिखित विशिष्टियाँ भी स्पष्ट और स्थायी रूप से अंकित की जाएंगी, अर्थात् :—

(क) लॉट की क्रम संख्या

(ख) पैकिंग की तारीख

(ग) पैकर का नाम

(घ) पैकिंग का स्थान।

[सं० 13-12/71-एम०]

एम० के० अग्रवाल, उ०-सचिव

**MINISTRY OF AGRICULTURE & IRRIGATION**

(Department of Rural Development)

New Delhi, the 25th February, 1977

**S.O. 782.**—The following draft of rules to amend the Besan (Gram Flour) Grading and Marking Rules, 1975 which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) is published, as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration after the expiry of 45 days from the date on which the copies of the Gazette of India in which this notification is published are made available to the public.

Any objection or suggestion which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the Central Government.

**DRAFT RULES**

1. These rules may be called the Besan (Gram Flour) Grading and Marking (Amendment) Rules, 1977.

2. In the Besan (Gram Flour) Grading and Marking Rules, 1975, in rule 6, for sub-rule (2) the following sub-rule shall be substituted, namely :—

“(2) The following particulars shall also be clearly and indelibly marked on each container, namely :—

(a) The Serial number of the lot,

(b) Date of packing.

(c) Name of the packer.

(d) Place of packing.”

[No. 13-12/71-AM]

A. K. AGARWAL, Dy. Secy.

**सूचना और प्रसारण मंत्रालय**

आवश

नई दिल्ली, 18 नवम्बर, 1976

**क्र०आ० 783.**—केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियमावली, 1965 के नियम 12 के उप-नियम (2) के अनुसार, राष्ट्रपति एतद्वारा, लाल बहादुर शास्त्री राष्ट्रीय प्रशासन अकादमी के निदेशक को यह अधिकार देते हैं कि वे ऐसे किसी भी व्यक्ति पर, जो केन्द्रीय सूचना सेवा में नियुक्ति के लिए चुना गया है और जिसे उक्त अकादमी में प्रशिक्षण के लिए प्रतिनियुक्ति किया गया है, उक्त नियमावली के नियम 11 के खंड (1) और (3) में निर्दिष्ट कोई भी बंद वे सकते हैं।

[सं० सी-11012/1/76-विजिलेंस]

शरणपाल सिंह, अवर सचिव

**MINISTRY OF INFORMATION AND BROADCASTING ORDER**

New Delhi, the 18th November, 1976

**S.O. 783.**—In pursuance of sub-rule (2) of rule 12 of Central Civil Services (Classification, Control and Appeal)



Rules, 1965, the President hereby empowers the Director, Lal Bahadur Shastri National Academy of Administration to impose any of the penalties specified in clauses (i) and (ii) of rule 11 of the said Rules or any person selected for appointment to the Central Information Service and deputed for undergoing training at the said Academy.

[No. C-11012/1/76-Vig.]

SHARAN PAL SINGH, Under Secy

## संचार मंत्रालय

(डाक-तार बोर्ड)

नई दिल्ली, 1 मार्च, 1977

का० आ० 781.—स्वाधीन आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 431 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने पिलखुवा टेलीफोन केन्द्र में दिनांक 16-3-77 में प्रमाणित कर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-11/77-पी० एच० बी०]

म०च० वर्मा, महायक महानिदेशक

## MINISTRY OF COMMUNICATIONS

(P&amp;T Board)

New Delhi, the 1st March, 1977

S.O. 784.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 16-3-1977 as the date on which the Measured Rate System will be introduced in Pilkhwa Telephone Exchange, U.P. Circle.

[No. 5-11/77-PHB]

M. C. VERMA, Assistant Director General

## श्रम मंत्रालय

नई दिल्ली, 5 फरवरी, 1977

## आवेश

का० आ० 785.—केन्द्रीय सरकार की राय है कि हमसे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैमर्स इन्डस्ट्रियल डिवेलपमेंट कारपोरेशन आफ उड़ीसा लि० की हुंगरी लाइमस्टोन माइन्स के रेजिंग कन्ट्रैक्टर, श्री एल० आर० प्रधान और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी डा० बी० एन० मिश्र होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करनी है।

## अनुसूची

क्या मैमर्स इन्डस्ट्रियल डिवेलपमेंट कारपोरेशन आफ उड़ीसा लि० की हुंगरी लाइमस्टोन माइन्स के रेजिंग कन्ट्रैक्टर, श्री एल० आर० प्रधान को अपने दो कर्मचारों, श्री ईश्वर सतनामी और श्रीमती सुकबाई सतनामी को 1973 में विभिन्न तारीखों को बरखास्त करने की कार्रवाई

न्यायोचित थी? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष के हकदार है?

[सं० एल०-29012/5/77-डी० 3 बी०]

## MINISTRY OF LABOUR

New Delhi, the 5th February, 1977

## ORDER

S.O. 785.—Whereas the Central Government is of opinion that an industrial dispute exists between Sri L. R. Pradhan, Raising Contractor of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Ltd. and his work in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Dr. B. N. Misra shall be the Presiding Officer with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

## THE SCHEDULE

"Whether the action of Sri L. R. Pradhan, Raising Contractor of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Ltd. in dismissing his two workmen, Sri Iswar Satnam and Smt. Sukbai Satnami on different dates in 1973 was justified? If not, to what relief are the concerned workmen entitled?"

[No. L-29012/5/77-D III B]

## आवेश

का० आ० 786.—केन्द्रीय सरकार की राय है कि हमसे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैमर्स इन्डस्ट्रियल डिवेलपमेंट कारपोरेशन आफ उड़ीसा लि० की हुंगरी लाइमस्टोन माइन्स के रेजिंग ठेकेदार श्री डी० आर० तुनी, और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी डा० बी० एन० मिश्र होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

## अनुसूची

"क्या मैमर्स इन्डस्ट्रियल डिवेलपमेंट कारपोरेशन आफ उड़ीसा लि० की हुंगरी लाइमस्टोन माइन्स के रेजिंग कन्ट्रैक्टर श्री डी० आर० तुनी, की निम्नलिखित कर्मचारों को 1973 में विभिन्न तारीखों को बरखास्त करने की कार्रवाई न्यायोचित थी? यदि नहीं तो संबंधित कर्मकार किस अनुतोष के हकदार है?"

कर्मका नाम

1. धनी राम धनबाद
2. पावर्ती धनबाद
3. रूप मिह सतनामी

4. कुजमती सतनामी
5. जोसी बारिक
6. गुयाली बारिक
7. तरमियाम सुरेन
8. रतन बाई गान्धा
9. महादोर गान्धा
10. समारुबाग
11. पदम ताला बाग
12. अगस्तीन टेटे

[सं० एम०-29012/4/77-डी० 3 बी०]

## ORDER

**S.O. 786.**—Whereas the Central Government is of opinion that an industrial dispute exists between Shri D. R. Tuli Raising Contractor of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Ltd. and his workmen in respect of the matter specified in the Schedule hereto annexed :

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Dr. B. N. Misra shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

## THE SCHEDULE

"Whether the action of Sri D. R. Tuli, Raising Contractor of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Ltd. in dismissing following workmen on different dates in 1973 was justified? If not, to what relief are the concerned workmen entitled?"

S. No.	Name
1.	Dhaniram Dhangad
2.	Parvati Dhungad
3.	Rupsingh Satnami
4.	Fajmati Satnami
5.	Jotti Barik
6.	Gauli Barik
7.	Tarsias Suren
8.	Rattanabia Ganda
9.	Muhador Ganda
10.	Sumaru Bag
11.	Padamtala Bag
12.	Agastine Tete.

[No. I-29012/4/77-D III B]

## आदेश

'का० आ० 787.—केन्द्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स इन्डस्ट्रियल डिवेलपमेंट कारपोरेशन आफ उड़ीसा लि० की डुंगरी लाइमस्टोन माइन्स के रजिग कन्ट्रैक्टर मैसर्स बिज बिल्डिंग कन्स्ट्रक्टर्स और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के अन्वये (ब) द्वारा

प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीछासीन अधिकारी डा० बी० एन० मिश्र होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

## अनुसूची

"क्या मैसर्स इन्डस्ट्रियल डिवेलपमेंट कारपोरेशन आफ उड़ीसा लिमिटेड के रजिग कन्ट्रैक्टर मैसर्स बिज बिल्डिंग कन्स्ट्रक्टर्स की, निम्नलिखित श्रमिकों को 1973 में विभिन्न तारीखों का बख्खास्त करने की कार्रवाई न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष के हकदार हैं?"

## प्रमाण नाम

1. जुनम करकेट्टा
2. श्रीमती पाना मुंडा
3. चमरुमुंडा
4. लेरा टप्पो
5. श्रीमती मनियारो ओराम
6. रुपसेई ओराम
7. कजाम मासी
8. बिसाणा धनवार
9. श्रीमती कोइली मित्र
10. भद्रा मित्र
11. रफेल धुमधुम
12. बेरथा टेट्टी
13. पाला टाप्पो
14. मिचु टाप्पो
15. मेनन लकड़ा
16. श्रीमती लक्ष्मी नाग
17. मुलेमान हेण
18. श्रीमती बेरथा मित्र
19. मेन्थुल निरकी
20. विनोदिक कुलु
21. प्रमीश कुमार कुर्ली
22. भनोहर मित्र
23. नामकीराम मानिकपुरी
24. श्रीमती बन्धुआगी मानिकपुरी
25. श्री लोधा खाविया
26. श्रीमती हीरामती खाविया
27. श्रीमती बलमती खाविया
28. श्री मन्नेव खाविया
29. गोवाम मिर्धा
30. श्रीमती बुनिका मिर्धा
31. हबिल मित्र
32. श्रीमती भगवती मासी
33. श्रीमती रमीना टेट्टी
34. श्रीमती सबिता मित्र
35. श्रीमती बाला नायक

[सं० एम०-29012/4/77-डी० 3 बी०]

## ORDER

**S.O. 787.**—Whereas the Central Government is of opinion that an industrial dispute exists between M/s. Bridge Building Constructors, Raising Contractors of Dungri Limestone Mines of M/s. Industrial Development Corporation of Orissa Limited and their workmen in respect of the matter specified in the schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Dr. B. N. Misra shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said disputes for adjudication to the said Tribunal.

#### THE SCHEDULE

Whether the action of Messrs Bridge Building Constructors, Raising Constructors of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Limited in dismissing the following workmen in different dates in 1973 was justified? If not, to what relief are the concerned workmen entitled?

S. No.	Name
1.	Junas Kerketta
2.	Smt. Pana Munda
3.	Chamru Munda
4.	Laijo Tappe
5.	Smt. Sanjara Oram
6.	Rupsai Oram
7.	Katras Majhi
8.	Bisasha Dhanwar
9.	Smt. Koili Minz
10.	Bhadra Minz
11.	Refel Dhumdum
12.	Bertha Tetty
13.	Pana Tappo
14.	Michu Tappo
15.	Maitan Lekra
16.	Smt. Lakshmi Nag
17.	Suleman Hesh
18.	Smt. Betha Minz
19.	Munual Tirky
20.	Binodick Kullu
21.	Assish Kumar Kullu
22.	Manohar Minz
23.	Namkidas Manikpuri
24.	Smt. Bundkuari Manikpuri
25.	Sri Lodha Khadia
26.	Smt. Hiramati Khadia
27.	Smt. Balmati Khadia
28.	Sri Sahadeve Khadia
29.	Golan Mirdha
30.	Smt. Dutika Mirdha
31.	Habil Minz
32.	Smt. Bhagwati Majhi
33.	Smt. Rajina Tetty
34.	Smt. Sabina Minz
35.	Bala Naik

[No. L-29012/1/77/D.IIIB]

#### अवधि

का० सा० 788.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स इन्डस्ट्रियल डिवेलपमेंट कारपोरेशन प्राफ उड़ीसा लि० की डंगरी लाइमस्टोन माइन्स के रोजिंग कन्ट्रेक्टर, मैसर्स जी० आर० पाषी एण्ड कं० और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है :

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना आदेशीय समझती है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी डा० बी० एम० मिश्र होंगे जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

#### अनुसूची

“क्या मैसर्स इन्डस्ट्रियल डिवेलपमेंट कारपोरेशन प्राफ उड़ीसा लि० की डंगरी लाइमस्टोन माइन्स के रोजिंग कन्ट्रेक्टर मैसर्स जी० आर० पाषी एण्ड कं० की विनियमित कर्मचारियों की 1971 और 1973 में विभिन्न तारीखों को बर्खास्त करने की कार्रवाई न्यायोचित थी? यदि नहीं, तो संबंधित कर्मकार किस अनुसूची के हकदार हैं?”

#### क्रमांक नाम

1. कर्मी बार्वा
2. पाहन बार्वा
3. जुनएल डांग
4. सुलेमान सैस
5. सुलेमान इक्का
6. गोबिन्दराम साहू
7. अलोइया किरों
8. सुसन मिन्ज
9. अलियस निर्की
10. बिरसा केस
11. नुकमसी केस
12. फुला करकेट्टा
13. गुलबदन नायक
14. साबित्री बारिक
15. लोदार करकेट्टा
16. मिलास करकेट्टा
17. करुणा बारिक
18. धरन चौहान
19. सेबानी कुमार
20. बरुण बारिक
21. अर्जुन मांझी
22. किनु किशन
23. जुलिया किशन
24. बसेन बार्ड कट्टार
25. मुकराम कट्टार
26. छेसोर खादिया
27. बामन्ती खादिया
28. गणेश मि बरुआ
29. सुसन मिन्ज
30. फुला करकेट्टा
31. लोडो करकेट्टा
32. जुलिया किमान
33. मानकी नाग
34. मनबोत्र नाग
35. बुरेन गोन्ड

[सं० एन०-29012/6/77-डी० 3 बी०]

## ORDER

**S.O. 788.**—Whereas the Central Government is of opinion that an industrial dispute exists between M/s. G. R. Padhi & Co. Raising Contractors of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Limited and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Dr. B. N. Misra shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

## SCHEDULE

"Whether the action of Messrs G. R. Padhi & Co., Raising Contractor of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Ltd. in dismissing the following workmen on different dates in 1971 and 1973 was justified? If not, to what relief are the concerned workmen entitled?"

Sl. No.	Name
1.	Karmi Barla
2.	Pahan Barla
3.	Junuel Dang
4.	Suleman Say
5.	Suleman Ekka
6.	Gobindram Sahu
7.	Aloia Kiro
8.	Susan Minj
9.	Jullias Tirky
10.	Birsa Kaith
11.	Sukmati Kaith
12.	Fula Kerketta
13.	Gulbadan Naik
14.	Sabitri Barik
15.	Lōdar Kerketta
16.	Silas Kerketta
17.	Karuna Barik
18.	Gharan Chauhan
19.	Saibani Kumbhar
20.	Baruna Barik
21.	Arjun Majhi
22.	Kinu Kishan
23.	Julia Kishan
24.	Basenbai Kahar
25.	Sukram Kahar
26.	Ghesor Khadia
27.	Basanti Khadia
28.	Ganesh Mi Barua
29.	Susan Minj
30.	Fufo Kerketta
31.	Lodro Kerketta
32.	Julia Kisan
33.	Manki Nag
34.	Manbodh Nag
35.	Burain Gond.

[No. L-29012/6/77DIIB]

## आदेश

**क्र० आ० 789.**—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स इन्डस्ट्रियल डिवलपमेंट कारपोरेशन आफ उड़ीसा लिमिटेड की बुगरी लाइमस्टोन माइन्स के रोज़क कन्टेक्टर श्री पी० के० जेना और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी डा० बी० एन० मिश्र होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

## अनुसूची

"क्या मैसर्स इन्डस्ट्रियल डिवलपमेंट कारपोरेशन आफ उड़ीसा लिमिटेड की बुगरी लाइमस्टोन माइन्स के रोज़क कन्टेक्टर, श्री पी० के० जेना की अपने निम्नलिखित कर्मचारियों को 1973 में विभिन्न तारीखों को बर्खास्त करने की कार्यवाही न्यायोचित थी? यदि नहीं, तो संबंधित कर्मचारियों के अनुनाप के हकदार हैं?"

## क्रमांक नाम

1. बनेदिक टेटे
2. जोहानी टाटे
3. कुलाबती
1. कैलमेंट डुंग डुंग
5. होल्यानी कुलु
6. तुर्लुन बादाक
7. लोनेंस बेलोंग
8. मिरियम बेलोंग

[सं०एन०-29012/3/77-डी०३ बी०]

बी० वेलायुधन अवर सचिव

## ORDER

**S.O. 789.**—Whereas, the Central Government is of opinion that an industrial dispute exists between Sri P. K. Jena Raising Contractor of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Limited and his workmen in respect of the matter specified in the Schedule hereto annexed ;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Dr. B. N. Misra shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

## SCHEDULE

"Whether the action of Sri P. K. Jena, Raising Contractor of Dungri Limestone Mines of Messrs Industrial Development Corporation of Orissa Ltd., in dismissing his following workmen on different dates in 1973 was justified? If not, to what relief are the concerned workmen entitled?"

Sl. No.	Name
1.	Banedik Tete
2.	Johani Tate
3.	Kulabati
4.	Kalement Dug Dug
5.	Holyani Kulu
6.	Turluin Badaik
7.	Lonence Belong.
8.	Miriam Belong.

[No. L-29012/3/77-DIIB]

V. VELAYUDHAN, Under Secy.

आदेश

नई दिल्ली, 29 जनवरी, 1977

का० आ० 790.—केन्द्रीय सरकार की गय है कि इससे उपायध्व अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय स्टेट बैंक, मद्रास के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी०एन० सिंगारवेलु बी०ए०बी०एल० होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

1. क्या भारतीय स्टेट बैंक के प्रबंधतंत्र की, सेवा से गैर-कानूनी ढंग से छंटनी किए गए 819 अस्थायी कर्मचारियों को, बहाली से मिलने वाली पिछली मजदूरी, सेवा में वरिष्ठता, वेतनवृद्धियाँ और अन्य लाभ देने से इंकार करने की कार्रवाई न्यायोचित है? यदि नहीं, तो ये 819 कर्मकार किस अनुसूची के हकदार हैं?

2. क्या भारतीय स्टेट बैंक मद्रास क्षेत्र के प्रबंधतंत्र की उन 768 अस्थायी कर्मचारियों को रोजगार रोकने की कार्रवाई न्यायोचित है जिन्होंने अपनी सेवा की समाप्ति से ठीक पूर्व बारह मास की अवधि में 240 दिन की हाजिरी पूरी नहीं की थी, यदि नहीं, तो ये कर्मकार किस अनुसूची के हकदार हैं?

[सं० एस-12011/25/76-डी० 2ए]

आर० पी० नरुला, प्रवर सचिव

ORDER

New Delhi, the 29th January, 1977

S.O. 790.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of the State Bank of India, Madras and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal whose Presiding Officer shall be Shri T. N. Singaravelu, B.A. B.L. with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

- Whether the action of the management of the State Bank of India in denying the benefits of back-wages, seniority in service, increments and other benefits flowing from the reinstatement in service of 819 temporary employees who had been illegally retrenched from service is justified? If not to what relief are these 819 workmen entitled?
- Whether the action of the management of the State Bank of India, Madras Region in stopping the employment of 768 temporary employees who have not completed 240 days of attendance in a period of twelve months immediately preceding the termination of their service is justified? If not to what relief are these workman entitled?

[F. No. L-12011/25/76-D.II.A.]

New Delhi, the 23rd February, 1977

S.O. 791.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of Bank of Baroda, Madras and their workmen, which was received by the Central Government on the 15-2-77.

BEFORE THIRU T. N. SINGARAVELU, B.A., B.L.,  
Presiding Officer,  
Industrial Tribunal, Madras.

(Constituted by the Central Government)

Thursday, the 27th day of January, 1977.

INDUSTRIAL DISPUTE No 61 of 1975

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Bank of Baroda, Madras-1.)

BETWEEN

The workmen represented by.

The Secretary, Bank of Baroda Staff Union, C/o Bank of Baroda, 11/12-North Beach Road, Madras-1.

AND

The Regional Manager, Bank of Baroda, Regional Office, No. 150-A/2-II Floor, Chordia Mansion, Mount Road, Madras-1.

Reference :

Order No. L-12012/50/75-D/II/A, dated 19-8-1975 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Wednesday, the 5th day of January, 1977 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvalargal B. R. Dolia, G. Venkataraman and R. Jamal Nazeem, Advocates appearing for the Union and of Thiruvalargal M. R. Narayanaswami and N. Balasubramanian, Advocates for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is an Industrial Dispute between the Management of Bank of Baroda, Madras and its employees in respect of the transfer of one employee resulting in alleged loss of seniority. This dispute has been referred by the Government of India by its order No. L-12012/50/75-D/II/A, dated 19-8-1975 of the Ministry of Labour.

2. The workmen of the Bank of Baroda, Madras have filed a claim statement through their Staff Union represented by its Secretary and it runs as follows : One Thiru R. Jayabalan joined the services of the Bank on 3-3-1971 at Coimbatore Branch as Shroff-cum-clerk. On 2-5-1974 the said clerk received two sums of money of Rs. 380/- and Rs. 2,000/- remitted by two customers for being credited in their Savings Bank Accounts. But the Clerk on account of heavy work and on account of indisposition could not credit the same on the same day and he left the office on permission at 2.00 p.m. after putting the cash inside the drawers of his table. On 3-5-1974 the said clerk came to Bank and took out the amount and credited them. This incident has been made much of by the management and the Clerk was charged with temporary misappropriation. Thiru Jayabalan denied the charge and explained the circumstances, but he was transferred from Coimbatore Branch to Nambiyur Branch in the same District on 18-9-1974. On account of this transfer he has lost some chances of promotion. That apart, during the enquiry, the said Clerk was threatened by the Assistant Area Manager of the Bank who asked him to give a letter admitting his negligence. Accordingly, the clerk gave a letter as required by the Management apologising for his negligence and undertaking to accept any punishment therefore. On 2-1-1975, the Bank imposed the punishment of stoppage of one increment of the clerk with cumulative effect. The result is that the clerk has been punished twice, one on account of the transfer and the other by

stopping one increment with cumulative effect. He has also lost his seniority on account of the transfer. This double punishment or triple punishment is contrary to law. He is also not getting the Key Allowance in the transferred station. Therefore, the order of the transfer of the clerk from Coimbatore Town to Nambiyur with loss of seniority should be set aside and he should be reposted to Coimbatore. The Management should also be directed to pay the arrears of Key Allowance for the period when he did not draw the same at Nambiyur Branch.

3. The Management of Bank of Baroda, Madras represented by the Regional Manager filed a counter statement as follows : 'The very reference as worded in the Schedule is misleading, as it means that transfer is also a punishment besides the stoppage of one increment. There is no question of double punishment at all in this case and the Subordinate for his grave misconduct was given a nominal punishment of stoppage of one increment, as he readily admitted and apologized for his misconduct. The transfer from one Branch to another within the same District was a routine administrative measure. On merits, the delinquent clerk who was in the Cash Section had committed grave misconduct by not giving credit to two sums of money totalling Rs. 2,680/- on the same day when they were received. Undoubtedly, the clerk had temporarily misappropriated the amount, though he made good the amount on the very next day. His plea of heavy work, indisposition, etc. are all invented to save his own skin. Since the subordinate readily apologized for his misconduct and admitted the same, the Management took a rather lenient view of the matter and let him off with a minor punishment stoppage of one increment. Later, the Management thought that he should not be allowed to work in the Cash section of a City Branch of the Bank which is a leading Nationalised Bank and therefore transferred him to a mofussil Branch with a clear direction that he would not be entitled to any special allowance. The allegations of threat and coercion with reference to the letter of admissions of guilt are all imaginary and self-serving. There was no need for an Area Manager to go to an ordinary clerk and obtain a letter of apology. On account of the incident on 2-5-1974 by not giving credit then and there of some large amounts, the Bank has lost confidence in the clerk and therefore they have not entrusted him with the cash key at the Nambiyur Branch. The said action of the Bank of fully justified and well within its powers. The claim of the Union asking for retransfer and for restitution of allowances is wholly untenable and unreasonable.

4. The issue as framed in Schedule of the reference is as follows :

Whether the action of the management of the Bank of Baroda, Madras in transferring Shri R. Jayabalan, Shroff-cum-Clerk from Coimbatore Branch to Nambiyur Branch with loss of seniority, in addition to the punishment of one increment cut with cumulative effect is justified? If not, to what relief is the said workman entitled?

5 It is necessary to state a few admitted facts for the appreciation of the dispute. Thiru R. Jayabalan was appointed as a Shroff-cum-Clerk at the Coimbatore Town Branch of the Bank of Baroda on 3-3-1971. His educational qualification is Pre-University Course. He is a native of Coimbatore town having some local interest. He was having his individual money transactions with one Senthil Corporation, a private Bank of Coimbatore and the another local Pawn Shop. He used to borrow monies from them frequently and give post-dated cheques to them for collection. Thiru R. Jayabalan was having a personal account for a small sum in the Bank of Baroda, Coimbatore Branch where he was working. Exs. M-32 and M-33 are copies of his accounts in the Bank. He would issue cheques of Bank of Baroda to his creditors i.e., the two persons above named, without any corresponding cash in his account, and on the date of the presentation, he would make some arrangement to have the cheque honoured. Thus, even in about three years of his employment in the Bank, he appears to have become very clever in his own way and used his position as Shroff-cum-Clerk of the Bank to his personal advantage.

6. On 2-5-1974, one Thiru Ramadoss, a colleague of the delinquent in the same Branch, remitted a cash of Rs. 380/- to Jayabalan with instructions to credit the amount in the

name of one Thiru K. Balasubramaniam. On the same day, one Smt. Vijayalakshmi Viswanathan, a customer of the Bank remitted a cash of Rs. 2,000/- in the Savings Bank Account of the Bank with instructions to Jayabalan to credit it into her account. Ex. M-29 is the slip for the deposit of the money. Admittedly, the delinquent Jayabalan who received the two amounts at the counter did not give credit to them on that day and he suddenly applied for casual leave for half-a-day and went away from the Bank without giving credit to these two amounts received by him. After he left, the depositors came to the Bank and found on verification that these amounts were not credited. Thiru Jayabalan came to the Bank on the next morning and produced the sum of Rs. 2,680/- with an explanation that he had negligently kept the amount in the office drawers and went home. One of the depositor Thiru Ramadoss who is an co-employee in the same Bank made a written complaint to the Bank Agent pointing out these two instances and informing the Management that Thiru Jayabalan had misappropriated the amount temporarily. The local Agent of the Bank sent a confidential report to the Assistant Area Manager, Coimbatore under Ex. M-3 pointing out that the two cash remittances were not credited in the name of the customers on the date when they were deposited.

7. Thereupon, a memo was issued under Ex. M-4 on 4-5-1974 calling for the explanation of the delinquent for the temporary misappropriation of the amount. On 6-5-1974, the delinquent gave his reply under Ex. M-5 broadly admitting the incident, but explained that he left the Bank on account of sudden headache and that he has since reimbursed the same to the Bank. He prayed therein that he might be excused for his negligence. Further investigation by the Assistant Area Manager proceeded and he sent a confidential report under Ex. M-6 dated 10-5-1974 to the Deputy General Manager (Personnel), Bombay stating that the delinquency was not a case of mere negligence, but a case of suspected misappropriation. After gathering the facts the Management removed the delinquent Jayabalan from the Cash Section of the Bank to the Accounts Section with effect from 20-9-1974. The delinquent sent a letter under Ex. M-9 on 30-9-1974 admitting his guilt and prayed for a lenient punishment and he also regretted for his misconduct. He then followed it up by another letter Ex. M-10 dated 19-11-1974 very much **apologising for the incident and requesting the Management** that they may impose any punishment on him short of dismissal or discharge. Finally, the Management passed an order on 2-1-1975 under Ex. M-11 stopping one increment with cumulative effect in accordance with the provisions of the Bipartite Settlement.

8. Later, on 7-1-1975, the Management transferred the delinquent from the Coimbatore City Branch to Nambiyur which is a mofussil Branch in the same district. It was made clear that he was transferred to the same category as Shroff-cum-Clerk and that he will not be entitled to claim any special allowance on the basis of seniority, since he will have to take the same rank as a clerical staff at the Branch Office. On receipt of this transfer order, the delinquent became wise and defiant and started questioning the transfer order. The Management rejected his request for cancellation of the transfer order and directed him to join at Nambiyur Branch. But the delinquent contacted his Union officials and then applied for sick leave—Vide Exs. M-16 to M-21. By going on medical leave, he perhaps wanted to avoid his transfer to Nambiyur Branch and in fact he managed to avoid till March, 1975 by applying for medical leave from time to time. Finally, he reported for duty at the Nambiyur Branch on 17-3-1975 under protest, that is to say, without prejudice to his right to raise an Industrial Dispute over the transfer. On the very same day of his joining duty on 17-3-1975 at Nambiyur Branch, he demanded under Ex. M-24 that he should be put in the Cash Section and that the Cash-key should be handed over to him by virtue of his seniority. He also sent the copy of his letter Ex. M-24 to all the higher officials and the Union officials. The Employees' Union has taken up the cause of this employee and has raised this dispute and wants that the transfer of Jayabalan from Coimbatore to Nambiyur should be set aside and that he should be reposted to Coimbatore Branch with his seniority. It is also prayed that the Bank should pay the Special Allowance, namely the Key Allowance, to the employee for the period during which he has been illegally posted to work at Nambiyur Branch.

9. Now, the contention of the Union is that the Management has imposed several punishments on the delinquent for his misconduct and therefore all the punishments excepting stopping of one increment should be set aside and that he should be retransferred to Coimbatore with retrospective special allowances for the period in question. As against this, the Management would contend that this is a case of admission of misconduct of the employee and that he was punished only once by the withholding of one increment with cumulative effect. According to the Management, the transfer and the consequent loss of special allowance (Key Allowance) are not punishments at all and they are incidental to the normal transfer of the employee. The Management further states that it has lost confidence in the delinquent employee and therefore, it does not want to put him in the Cash Section of the Bank, which is a leading nationalised one in the country. On these contentions, we have now to find out whether more than one punishment was imposed by the Management on the delinquent and whether the action of the Management in transferring him has resulted in loss of seniority, and if so, whether it is justified.

10. Admittedly, the delinquent-employee received two sums of money of Rs. 2,380/- from two customers on 2-5-1974 for being credited in their respective accounts, but he did not credit them on the date of their receipts. The employee could not deny this incident in the face of odds and therefore conveniently pleaded negligence on his part. According to the Management, it was not mere negligence, but temporary misappropriation of the amount. The question whether it was mere negligence or want on suppression of credits is not very material for us, except for the purpose of determining whether the consequent transfer of the employee was *bona fide* or not. The employee in his earliest statement under Ex M-5 admitted the incident and prayed for leniency in the matter of punishment. For some reason or other, there was a delay of about four months by the Management in dealing with this misconduct and the local authorities of the Bank were corresponding with their Head Office and they first decided to shift the employee from the Cash Branch dated 19-11-1974 that he may be given any punishment short of dismissal or discharge from service. Finally, the Management after a delay of eight months took a lenient view of the to the Accounts Branch. Fearing trouble, the delinquent made a request to the Management in his letter Ex. M-10 matter and imposed a nominal punishment of stopping of one increment and then followed it up by transferring him from Coimbatore City to a mofussil Branch. By this time, much water had flown and the delinquent appears to have gained the sympathy of the Union which took up his cause and demanded that the employee should be re-transferred to Coimbatore and reimbursed for all losses he had sustained on account of his transfer. Ex. M-11 is the order of the Management cutting one increment and it is stated therein that this action was in consonance with 19.12(e) of the Bipartite Settlement. These facts are not at all in controversy.

11. Now, the employee has accepted the punishment which was awarded to him on his own admission and he does not rightly question the same. His grievance is that he should not have been transferred from Coimbatore Town to Nambiyur and that this transfer tantamounts to a punishment in as much as he has lost his immediate chances of promotion and also the Key Allowance. The short question therefore is whether the transfer is also a punishment. It is well established in any service in our country, public or private, that the transfer is not at all a punishment and that it is an incident of service. It is also well settled that no one can question the transfer which is in the sole discretion of the administration, unless it is patently mala fide. Therefore, the burden of proof of the *mala fides* is on the employee to show that this transfer in question was also a substantive punishment as well as mala fide. I have perused the evidence and it is absolutely clear that the transfer of this employee was absolutely *bona fide* and in the best interests of the Bank and the public. The Management strenuously contends that an employee, with such tendencies and reputation as disclosed by the incident on 2-5-1974, can never be retained in the Cash Department, until he shows marked improvement in his conduct subsequently. There is no difficulty in accepting this plea of the Management on the admitted facts of this case. On his own admission, the employee was found guilty of misconduct and he was punished. This is certainly not a mistake or a minor incident, since non-crediting

of an amount of Rs. 2,380/- on the same day of its receipt is the worst kind of misconduct that can be thought of in the Cash Section of the Bank. For some reason or other, the Management was not only slow in taking effective action against the delinquent-employee, but they also showed softness by imposing a nominal punishment of withholding one increment, and that too, eight months after the incident. In other words, the local officers of the Management were soft and they showed undue leniency at the outset perhaps on account of pressure. It is this long delay in taking action and the misplaced sympathy in the first instance that has resulted in this dispute, and the delinquent, who was begging the Management not to dismiss him or discharge him from service, is now emboldened to question the transfer, for which he alone was responsible.

12. Now, reverting to the question of alleged *mala fides*, the evidence is all one way, namely that the transfer was absolutely bona fide and the Management had no other alternative but to resort to the same in the interests of the Banking public. It may be recalled that one of the customers who suffered at the hands of this delinquent is a co-employee of the same Bank and he has laid a written complaint to the Bank Agent on the very same day of the incident on 2-5-1974 pointing out the other incident of non-crediting of Rs. 2,000/- also and pressed that this was a very serious matter, and should never be encouraged in a Nationalised Bank. It is here we have to probe into the question whether the non-crediting of the amounts was a mere negligence or a deliberate action. This is very necessary for considering the question whether the transfer was *bona fide* or not. M.W. 1 Thiru V. S. Pillai is now the Manager of the Bank of Baroda at Calcutta Branch and he was the Assistant Area Manager at Coimbatore during the relevant time. He has given evidence that he received the complaint against the delinquent and that he sent for the delinquent and questioned him about the incident. M. W. 1 says that the delinquent confessed to him that he utilised the two missing credits for his personal use on 2-5-1974 and reimbursed the same on the next day. M.W. 1 is a very Senior Officer of the Bank, at Calcutta, aged 54, and nothing is suggested to him as to why he should give false evidence against a junior clerk working in mofussil branch. Therefore, his evidence that the delinquent admitted the misappropriation of funds is acceptable. In fact, the delinquent even now admits the misconduct, though he would gloss over it as mere negligence. This plea of alleged negligence on the part of a Shroff-cum-Clerk in the Cash Section of a Nationalised Bank can never be accepted in the circumstances. His own admissions in the evidence clearly point out to the irresistible conclusion that he had temporarily misappropriated the amount and hurriedly left the Bank on permission on some feigned illness.

13. W.W. 2 Thiru R. Jayabalan is the delinquent-employee who had to admit that he had only a sum of Rs. 2/- to his credit in his Personal Account on 2-5-1974. He has also admitted that he has regular money dealings with some private bankers and that he used to give post dated cheques and adjust the same. Exs. M-32 and M-33 are the statements of his dealings. This must be taken along with the evidence of the Area Manager, M.W.1, that there were complaints against this employee that he was committing some malpractices and adjusting credits to his own advantage. In this connection, it is also very important to note that the employee has given a go-by to the present case of the Union that he admitted the misconduct only under inducement or pressure. He himself has categorically stated as W.W. 2 that he did not meet the Area Manager till September, 1974 and that the Area Manager never induced him or coerced him to give a Statement like Ex. M-9. According to the delinquent, it was only the Assistant Secretary of the Union (W.W. 3) Thiru J. Raja Mohan, who suggested this course, whereupon he (employee) gave an unconditional letter of apology admitting his guilt praying that he may be saved from dismissal. Therefore, the evidence of the delinquent-employee himself very largely supports the contention of the Management. Admittedly, the employee is a local man of Coimbatore Town having some interest therein. Within the short space of three years of service, he has been found to be guilty of misconduct of a grave type. It must also be remembered that this Institution is a Nationalised Bank of the Government of India and he was an employee holding a responsible post of Shroff-cum clerk in the Cash Department in the Branch at Coimbatore Town. After this incident and the consequent punishment, the Management very rightly thought that he should not be

retained at Coimbatore City and that he should be transferred out to the moribund. I fail to see any mala fides in this action. The employee should thank his stars in that the Management had been so soft to him and let him off with a nominal punishment of cutting one increment for a misconduct of this magnitude. The delinquent (W.W. 2) himself concedes that the Management has every right to put him either in the Cash Section or in the Clerical Section. This is also spoken to by the Senior Officer of the Bank, M.W. 1. The result of my discussion is that the transfer of the delinquent from Coimbatore Town to Nambiyur is fully justified and proper.

14. According to the Union, this transfer has resulted in loss of special allowances to the employee and the immediate prospect of promotion. I have carefully considered this argument in the light of the evidence on record. I am satisfied that there is no substance in this argument. The employee was a Shroff-cum-Clerk in the Coimbatore City Branch and he now occupies the same post at Nambiyur Branch also. It would appear that some Key Allowance of Rs. 33/- per mensem (i.e. Cashier's Allowance) is given to the man who holds the key of the cash, since it is a special post carrying some special duties. The grievance of the employee is that he is not given the Key Allowance at Nambiyur. Even at the time of his transfer, it has been made amply clear that he would not be given any special allowance. It is a special post which carries the special allowance and it is always in the discretion of the Management to post proper persons in the Cash Section. M.W. 1 has stated that it is not obligatory to post a clerk in the Cash Department on transfer. Of course he fairly added that normally the seniormost man (clerk) will be paid Key Allowance, unless there is anything against him on record. In other words, an employee with doubtful reputation cannot be entrusted with the key of the Bank and the Management was right in disallowing this man to hold the cash key. He can never claim Key Allowance as a matter of right merely on the basis of arithmetical seniority, especially with a background of punishment for a grave misconduct.

15. It was argued as a last resort that if the employee had continued at Coimbatore, he would have been eligible for promotion as a Cashier or that he might have been given a special post in some other branches with special allowances on account of his seniority. This is hypothetical and I have already found that the promotion or posting of persons in special post is entirely in the judicious discretion of the Management. That apart, the evidence is that there are some seniors above this man even at Coimbatore. There is also no guarantee that this delinquent (with this record sheet) would have been readily promoted but for his transfer. Further, the Management unambiguously submits that they have lost confidence in this employee and therefore they cannot trust him in the Key post. I am satisfied that the Management is justified in its conclusion, and if the employee has now lost the chances of Key Allowance, he cannot complain, because this is all of his own making and the Management is certainly not responsible for this situation. Consequently, the plea of double or multiple punishment to the employee has no force at all. He is admittedly getting the same emoluments like Pay and Dearness Allowance, as he was drawing at Coimbatore. Only if some special work is given, an employee is given special pay and he is not entitled to special allowance automatically or as of a matter of right.

16. The result is there are no merits in this dispute and it is rather unfortunate that a responsible Union of a Nationalised Bank should think it fit to espouse the cause of an erring employee like the present man, who has been proved to be guilty of misconduct of a grave nature which is likely to cast reflection on the Bank in the eyes of the public. For all these reasons, I hold that the action of the Management in transferring this employee is fully justified and there is no substance in this dispute. Consequently, an Award is passed negating the claim of the Union and, in view of the frivolous nature of the dispute, I direct the Union to pay the costs of this proceedings to the Management. Advocate's fee Rs. 250.

Dated, this 27th day of January, 1977.

(sd) T. N. SINGARAVELU, Industrial Tribunal

#### WITNESSES EXAMINED

##### For workmen

- W.W. 1—Thiru M. K. Mardi, General Secretary of the Union,
- W.W. 2—Thiru R. Jayabalan.
- W.W. 3—Thiru J. Rajamohan.

##### For Management

- M.W. 1—Thiru V. S. Pillai, Manager of the Bank.
- M.W. 2Thiru M. Rajendra Prasad, Agent of the Bank.

#### DOCUMENTS MARKED

##### For workmen

- Ex. W-1.—Code of discipline in Industry signed between the Bank and the Union (published in the Souvenir of the 10th Annual Conference (1965—1975).
- Ex. W-2/23-12-66.—Settlement arrived at between the Bank and their workmen represented by All India Bank of Baroda Employees' Federation.
- Ex. W-3/8-1-76.—Agreement arrived at between the Bank and their workmen represented by All India Bank of Baroda Employees' Federation.
- Ex. W-4/18-1-75.—Letters from the Union to the Bank regarding the matters in respect of W.W.2.
- Ex. W-5/25-1-75.—Letter from the Union to the Assistant Labour Commissioner (Central), Madras requesting to intervene in the matter of W.W.2.
- Ex. W-6/2-2-75.—Letter from the Union to the Bank's Central Office, Bombay regarding the case of W.W.2.
- Ex. W-7/17-3-75.—Letter from the Union to the Assistant Labour Commissioner (Central), Madras-6 requesting to advise the Bank to cancel the punishments imposed on W.W.2.
- Ex. W-8.—Unsigned draft of W.W.2 to the Agent of the Bank admitting his guilt.
- Ex. W-9/8-1-75.—Letter from the Union to the Bank requesting to implement the assurance given by M.W. 1.
- Ex. W-10/19-3-75.—Conciliation failure report.

##### For Management

- Ex. M-1/2-5-74.—Report of Thiru N. Ramadoss against W.W.2.
- Ex. M-2/3-5-74.—Report of Thiru N. Ramadoss against W.W.2.
- Ex. M-3/3-5-74.—Letter from the Bank, Coimbatore to the Assistant Area Manager of the Bank requesting to instructions in the matter of W.W.2.
- Ex. M-4/4-5-74.—Memo issued to W.W.2 calling for his explanation.
- Ex. M-5/6-5-74.—Reply from W.W. 2 to Ex. M-4.
- Ex. M-6/10-5-74.—Letter from the Assistant Area Manager of the Bank to the Regional Manager of the Bank recommending for the issue of charge-sheet to W.W.2.
- Ex. M-7/26-5-74.—Letter from the Branch Bank, Coimbatore to the Regional Manager of the Bank replying the Querries raised.
- Ex. M-8/18-9-74.—Letter from the Coimbatore Branch Bank to W.W. 2 asking to work in the Accounts Department until further orders.
- Ex. M-9/30-9-74.—Reply letter from W.W.2 to Ex. M-8.
- Ex. M-10/19-11-74.—Letter from W.W.2 to the Agent of the Bank, Coimbatore requesting to take lenient view of the matter.
- Ex. M-11/2-1-75.—Letter from the Bank stopping an increment of W.W.2.
- Ex. M-12/7-1-75.—Letter of the Bank transferring W.W.2 to Nambiyur Branch.



- Ex. M-13/7-1-75.—Letter of W.W.2 requesting the Agent of the Bank to cancel the transfer order.
- Ex. M-14/8-1-75.—Reply letter from the Bank to Ex. M-13 instructing W.W.2 to join duty at Nambiyur Branch.
- Ex. M-15/17-1-75.—Letter from the Union to the Assistant Labour Commissioner (Central), Coimbatore requesting for his intervention in the matter of W.W.2.
- Ex. M-16/8-1-75.—Casual leave application of W.W.2.
- Ex. M-17/27-1-75.—Medical leave application of W.W.2.
- Ex. M-18/8-2-75.—Medical leave application of W.W.2.
- Ex. M-19/15-2-75.—Medical leave application of W.W.2.
- Ex. M-20/23-2-75.—Medical leave application of W.W.2.
- Ex. M-21/9-3-75.—Medical leave application of W.W.2.
- Ex. M-22/17-3-75.—Joining report, at Nambiyur Branch Bank of W.W.2.
- Ex. M-23/17-3-75.—Letter of W.W.2 enclosing medical certificates.
- Ex. M-24/17-3-75.—Letter from W.W.2 to the Agent of the Bank, Nambiyur requesting for the Cash-safe-key.
- Ex. M-25/17-3-75.—Travelling allowance Bill of W.W.2.
- Ex. M-26/18-3-75.—Letter from W.W.2 to the Bank for payment of Breakage Allowance.
- Ex. M-27/2-5-74.—Requisition of Thiru N. Ramadoss for Demand Draft for Rs. 300.
- Ex. M-28/3-5-74.—Paying-in-slip for Rs. 380.
- Ex. M-29/2-5-74.—Paying-in-slip for Rs. 2000.
- Ex. M-30/2-4-74.—Paying-in-slip for Rs. 250.
- Ex. M-31.—Statement of accounts in the Savings Bank of W.W.2.
- Ex. M-32.—Statement giving the details of cheques and withdrawals issued by W.W.2 during the period from 1-1-74 to 15-5-74 in his S. B. Account No. 4751.
- Ex. M-33.—Statement giving the details of cheques and withdrawals issued by W.W.2 during the period from Savings Bank of Thiru AV. Balasubramanian and W.W.2 (Joint SB A/c No. 6012).

T. N. SINGARAVELU, Industrial Tribunal.

Note.—Parties are directed to take return of their document/s within six months from the date of the Award.

[F. No. L-12012/50/75-D II A]  
R. P. NARULA, Under Secy.

नई दिल्ली, 19 फरवरी, 1977

का० आ० 792.—यनः केरल राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री यू० महाबल राव के स्थान पर श्री जे० एम० बाधन, सचिव, केरल सरकार, श्रम विभाग, त्रिवेन्द्रम को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए, नाम निर्दिष्ट किया है ;

अतः अब, केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 1517 तारीख 14 अप्रैल, 1976 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “(राज्य सरकारों द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट)” शीर्षक के नीचे मधु 16 के नामने की प्रविष्टि

के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“श्री जे० एम० बाधन,  
सचिव, केरल सरकार,  
श्रम विभाग,  
त्रिवेन्द्रम।”

[संख्या यू-16012(20)/76-एच० आर०]

New Delhi, the 19th February, 1977

S.O. 792.—Whereas the State Government of Kerala has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri J. S. Badhan Secretary to the Government of Kerala, Labour Department, Trivandrum to represent that State on the Employees' State Insurance Corporation, in place of Shri U. Mahabala Rao ;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 1517, dated the 14th April, 1976, namely :—

In the said notification, under the heading “(nominated by the State Governments under clause (d) of section 4)”, for the entry against item 16, the following entry shall be substituted, namely :—

“Shri J. S. Badhan,  
Secretary to the Government of Kerala,  
Labour Department,  
Trivandrum.”

[No. U-16012/20/76-HT]

नई दिल्ली, 21 फरवरी, 1977

का० आ० 793.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 2055 और 2496 क्रमशः तारीख 18 मई, 1976 और 24 जून, 1976 के अनुक्रम में वैज्ञानिक और औद्योगिक अनुसंधान परिषद, नई दिल्ली की (1) राष्ट्रीय वैज्ञानिकी प्रयोगशाला बंगलौर (2) विश्वेश्वरैया औद्योगिक और प्रौद्योगिकी संग्रहालय बंगलौर (3) प्रादेशिक अनुसंधान प्रयोगशाला, हैदराबाद, (4) केन्द्रीय खाद्य प्रौद्योगिकी अनुसंधान संस्थान, मैसूर और (5) केन्द्रीय शोध अनुसंधान संस्थान लखनऊ के स्थायी और अस्थायी कर्मचारियों को उक्त अधिनियम के प्रवर्तन से 17 नवम्बर 1976 से 16 नवम्बर 1977 तक, जिसमें यह दिन भी सम्मिलित है, एक वर्ष की छुट्टी अवधि के लिए छुट्टी देती है।

2 पूर्वोक्त छुट्टी की शर्तें निम्नलिखित हैं, अर्थात् :—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छुट्टी प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाए जाएंगे ;
- (2) इस छुट्टी के होने हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुद्धि प्राप्त करने रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छुट्टी के प्रवृत्त होने की तारीख से पूर्व संदत्त अभिदायों के आधार पर हकदार हो जाते ;
- (3) छुट्टी प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किए जा चुके हों तो वे बाधिम नहीं किए जाएंगे ;
- (4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे हममें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियां ऐसे प्ररूप में और ऐसी विनिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं ;

- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी,—

- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दो गई किसी विवरणी को विनिष्टियों को मन्थन करने के प्रयोजनार्थ ; या
- (2) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा-अंशित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गए थे या नहीं, या
- (3) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रति-फलस्वरूप इस अधिनियम के अधीन छूट दी जा रही है, नकल में और बहुत रूप में पाने का हकदार बना हुआ है या नहीं ; या
- (4) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उद्देश्य प्रकृत थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए शक्त होगा :—

- (क) प्रधान या अध्यक्षित नियोजक से अपेक्षा करना कि वह उसे ऐसा जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ; या
- (ख) ऐसे प्रधान या अध्यक्षित नियोजक के अधिगोपाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजूदारी के सन्दाय से संबंधित ऐसे लेखा, बहियाँ और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं ; या
- (ग) प्रधान या अध्यक्षित नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना ; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना ।

#### व्यावहारिक श्रापन

इस मामले में पूर्वापेक्षी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट देने के लिए मजूदारी निरीक्षक, कर्मचारी राज्य बीमा निगम की सिकारिण देर से प्राप्त हुई थी । तथापि, यह प्रमाणित किया जाता है जिन परिस्थितियों में इन कारखानों के स्थायी और अस्थायी कर्मचारियों की श्रापन में छूट दी गई थी वे अभी भी विद्यमान हैं और वे छूट के पात्र हैं । यह भी प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

[सं० एस-38014/47/76-एच०आई०]

New Delhi, the 21st February, 1977

S.O. 793.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notifications of the Government of India in the Ministry of Labour Nos. S.O. 2055 and 2496 dated the 18th May, 1976 and 24th June, 1976 respectively, the Central Government hereby exempts the permanent and temporary employees of (1) National Aeronautical Laboratory, Bangalore, (2) Visveshwaraya Industrial and Technological Museum, Bangalore, (3) Regional Research Laboratory, Hyderabad, (4) Central Food Technological Research Institute, Mysore and (5) Central Drug Research Institute, Lucknow, belonging to the Council of Scientific and Industrial Research, New Delhi, from the operation of the said Act for a further period of one year with effect from the 17th November, 1976 upto and inclusive of the 16th November, 1977.

2. The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—
  - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory, be empowered to—
    - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
    - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
    - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

## EXPLANATORY MEMORANDUM

It has become necessary to give retrospective to the exemption in this case, as the recommendation of the Director General, Employees' State Insurance Corporation for the grant of exemption was received late. However, it is certified that the conditions under which the permanent and temporary employees of these factories were initially granted exemption still persist and they are eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/47/76-HI]

नई दिल्ली, 23 फरवरी, 1977

का० आ० 794.—केन्द्रीय सरकार का समाधान हो गया है कि भारत सरकार के संचार मंत्रालय (डाक और तार बोर्ड) के कलकत्ता, मुम्बई और जबलपुर के दूरसंचार कारखानों के कर्मचारियों का भारत: उसी प्रकार की प्रविष्टिगत अन्य रूप में प्राप्त है जैसी कि कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबन्धित है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 90 द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का०आ० 2049 तारीख 14 मई, 1976 के अनुक्रम में कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात्, ऊपर वर्णित कारखानों को उक्त अधिनियम के प्रवर्तन से, 1 फरवरी, 1977 से 31 जनवरी, 1978 तक जिसमें वह दिन भी सम्मिलित है एक वर्ष की और अवधि के लिए, छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

- (1) उक्त कारखानों का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् 'उक्त अवधि' कहा गया है), ऐसी विवरणियाँ, ऐसे प्ररूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं,
- (2) निगम द्वारा उक्त अधिनियम की धारा 54 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी,—
  - (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत से गई किसी शिथिलता की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; या
  - (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा प्रपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए, रखे गए थे या नहीं; या
  - (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफल-स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नुक़द में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
  - (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान जब उक्त कारखाने, के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों में से किसी का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए मशक होगा:—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उरीक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के सन्दाय से सम्बन्धित ऐसी लेखा बहिया अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकारी या सेवक को, या ऐसे किसी व्यक्ति को जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए या ऐसे किसी व्यक्ति की जिसके बादे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उसमें उद्घरण लेना।

## व्याख्यात्मक भाषण

इस मामले में पूर्वापेक्षी प्रभाव से छूट देनी आवश्यक हो गई क्योंकि छूट के लिए प्राप्त आवेदन-पत्र की कार्यवाही पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि जिन परिस्थितियों में कारखाने को प्रारंभ में छूट दी गई थी वे अभी भी विद्यमान हैं और कारखाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एम-38014/51/76-एच० आई०]

New Delhi, the 23rd February, 1977

S.O. 794.—Whereas the Central Government is satisfied that the employees of the Telecommunication factories at Calcutta, Bombay and Jabalpur belonging to the Government of India in the Ministry of Communications (Posts and Telegraphs Board) are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 2049 dated the 15th May, 1976, the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the above mentioned factories from the operation of the said Act for a further period of one year with effect from the 1st February, 1977 upto and inclusive of the 31st January, 1978.

2. The above exemption is subject to the following conditions, namely:—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or

other Official of the Corporation authorised in this behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such

Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

- (c) examine, the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any registers, account book or other document maintained in such factory, establishment office or other premises.

#### EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the conditions under which the factory was initially granted exemption still persist and the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 38014/51/76-HI]

का० आ० 795.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपाबद्ध अनुसूची में विनिर्दिष्ट भारतीय सेवा निगम लिमिटेड के कारखानों को उक्त अधिनियम के प्रवर्तन से उपरोक्त अनुसूची के स्तम्भ 5 में तदस्थायी प्रविष्टि में विनिर्दिष्ट अवधि के लिए छूट देनी है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

- (1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्ररूप में और ऐसी विनिर्दिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी ;
- (2) निगम द्वारा उक्त अधिनियम की धारा 15 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—
  - (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की श्राव्य दी गई किसी विवरणी की विनिर्दिष्टियों को सत्यापित करने के प्रयोजनार्थ ; या
  - (2) यह अभिनियन्त्रित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाप्रपेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गए थे या नहीं ; या
  - (3) यह अभिनियन्त्रित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा बिगए उन कार्यों को, जिनके प्रतिकल्पस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं ; या
  - (4) यह अभिनियन्त्रित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

- (क) प्रधान या अव्यवहृत नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ; या
- (ख) ऐसे प्रधान या अव्यवहृत नियोजक के अधिनियोगार्थी किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के सम्बन्ध से संबंधित ऐसे लेखा, बहियाँ और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने के, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं ; या
- (ग) प्रधान या अव्यवहृत नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तिगुक्त कारण है कि वह कर्मचारी है, परीक्षा करना ; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना ।

अनुसूची				
क्रम सं०	राज्य या संघ राज्य क्षेत्र के नाम	क्षेत्र का नाम	कारखाने का नाम	वह अवधि जिसके लिए छुट दी गई
1	2	3	4	5
1	आन्ध्र प्रदेश	विशाखापत्तनम-1	भारतीय तेल निगम लिमिटेड, (विपणन खण्ड), पो० बाक्स सं० 54, मलका पुरम प्रतिष्ठापन, विशाखापत्तनम-1	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
2	आन्ध्र प्रदेश	सिकन्दराबाद	भारतीय तेल निगम लिमिटेड, (विपणन खण्ड), पो० बाक्स सं० 1634 आर० आर० सी० ग्राउन्ड, सिकन्दराबाद	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
3	आन्ध्र प्रदेश	विजयवाड़ा	भारतीय तेल निगम लिमिटेड, (विपणन खण्ड), स्टेशन रोड, विजयवाड़ा	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)
4	आन्ध्र प्रदेश	सिकन्दराबाद	भारतीय तेल निगम लिमिटेड, विमानन पुड स्टेशन, एक डाकघर हकीमपेत वायुसेना स्टेशन, सिकन्दराबाद	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
5	दिल्ली	दिल्ली	भारतीय तेल निगम लिमिटेड, (विपणन खण्ड), एल० पी० जी० ब्राउलिंग प्लान्ट शकूर-अम्मी, दिल्ली-26	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)
6	दिल्ली	दिल्ली	भारतीय तेल निगम लिमिटेड, (विपणन खण्ड), शिवाजी पार्क के सामने, शकूरअम्मी, दिल्ली-26	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)
7	दिल्ली	दिल्ली	भारतीय तेल निगम लिमिटेड, विमानन क्यूएल स्टेशन सरकार बाजार रोड मोरवाहन के निकट, पालम, दिल्ली केन्ट-10	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)
8	केरल	कोच्चिन	भारतीय तेल निगम लिमिटेड, (विपणन खण्ड), पो० बाक्स सं० 535, विलिंगटन द्वीप, आरबूर रोड, कोच्चिन-3	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)
9	केरल	कोच्चिन	भारतीय तेल निगम लिमिटेड, (विपणन खण्ड), कोच्चिन शोधक प्रतिष्ठापन, पो० बाक्स सं० 8 त्रिपुनितुरा, बाया कोच्चिन	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
10	केरल	कोच्चिन	भारतीय तेल निगम लिमिटेड, (विपणन खण्ड), कार्पक रोड पो० ब्रेग 1759, एर्नाकुलम कोचीन-6	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
11	तामिलनाडु	मद्रास	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), अर्नो व हाई रोड, मद्रास	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
12	तामिलनाडु	मद्रास	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), कोम्बुपेट मद्रास-21	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)
13	तामिलनाडु	मद्रास	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), नार्थ रेलवे टर्मिनल रोड, रोया-पुरम, मद्रास	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
14	तामिलनाडु	मद्रास	इंडियन आयल कारपोरेशन लिमिटेड, एक्विपेशन क्यूएल स्टेशन मीनानथकम एयरपोर्ट, मद्रास	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
15	तामिलनाडु	मद्रास	इंडियन आयल कारपोरेशन लिमिटेड, टयुब व्हीडिंग प्लान्ट, एन्नर हाई रोड, टेन्डीयर-पेटलिवेथियुग पोस्ट, मद्रास-81	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)
16	महाराष्ट्र	मुम्बई	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), सरकारी खाद्यान्न गोदाम के निकट बडाला, मुम्बई-31	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)

1	2	3	4	5
17. महाराष्ट्र	मुम्बई	इंडियन आयल कारपोरेशन लि०, (मार्केटिंग डिविजन), टाटा थर्मल पावर प्लांट के निकट, ट्राम्बे, कारीबोर रोड, मुम्बई-74	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
18. महाराष्ट्र	मुम्बई	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), सेवारी रेलवे स्टेशन के सामने, मुम्बई-15	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
19. महाराष्ट्र	पुणे	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), राजबहादुर मोतीलाल रोड, पुणे	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
20. महाराष्ट्र	मुम्बई	इंडियन आयल कारपोरेशन लिमिटेड, एविएशन फ्यूल स्टेशन, शान्ताकुज एयरपोर्ट, मुम्बई-29	14-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
21. कर्नाटक	बंगलौर	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), नागडी रोड, पोस्ट बैग नं० 3, बंगलौर-23	14-7-1977 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)	
22. कर्नाटक	बंगलौर	इंडियन आयल कारपोरेशन लिमिटेड, एविएशन फ्यूल स्टेशन, बंगलौर एयरपोर्ट, बंगलौर	22-2-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
23. आन्ध्र प्रदेश	हैदराबाद	इंडियन आयल कारपोरेशन लिमिटेड, एविएशन फ्यूल स्टेशन, बेगमपेट एयरपोर्ट, हैदराबाद	22-2-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
24. पंजाब	जलन्धर	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), रेलवे गुरुम शोध रोड, जलन्धर	19-6-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
25. हरियाणा	अम्बाला केन्टोनमेंट	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), बुल्क सेन्टर अम्बाला केन्टोनमेंट	19-1-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
26. हरियाणा	हिमाल	इंडियन आयल कारपोरेशन लिमिटेड, मार्केटिंग डिविजन, हिमाल	10-7-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
27. उत्तरप्रदेश	कानपुर	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), अमपुर, कानपुर	4-4-1977 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
28. महाराष्ट्र	नागपुर	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), मोतीबाग, नागपुर	22-2-77 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
29. पश्चिम बंगाल	कलकत्ता	इंडियन आयल कारपोरेशन लि०, (मार्केटिंग डिविजन), दम-दम एविएशन फ्यूल स्टेशन, दम-दम एयरपोर्ट, कलकत्ता	31-8-1976 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)	
30. पश्चिम बंगाल	कलकत्ता	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), मोरीग्राम इन्स्टालेशन डाकघर राधादासी, जिमा हावड़ा	31-8-1976 से 30-8-77 तक (जिसमें यह तिथि सम्मिलित है)	
31. पश्चिम बंगाल	पहाड़पुर	इंडियन आयल कारपोरेशन लि०, (मार्केटिंग डिविजन), पहाड़पुर इन्स्टालेशन पश्चिम बंगाल	31-8-1976 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
32. पश्चिम बंगाल	24 परगना	इंडियन आयल कारपोरेशन लि०, (मार्केटिंग डिविजन), बज-बज इन्स्टालेशन डाकघर बज-बज, 24-परगना, पश्चिम बंगाल	31-8-1976 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
33. असम	गोहाटी	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), गोहाटी इन्स्टालेशन, गोहाटी	31-8-1976 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	
34. बिहार	पटना	इंडियन आयल कारपोरेशन लिमिटेड, (मार्केटिंग डिविजन), पटना इन्स्टालेशन, पटना	31-8-1976 से 30-8-1977 तक (जिसमें यह तिथि सम्मिलित है)	

**S.O. 795.**—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (24 of 1948), the Central Government hereby exempts the factories specified in the Schedule annexed hereto, belonging to the Indian Oil Corporation Limited, Bombay, from the operation of the said Act for the periods specified in the corresponding entry in column 5 of the schedule aforesaid.

2. The above exemption is subject to the following conditions, namely :—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—
  - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
  - (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

#### SCHEDULE

S. No.	Name of the State or Union Territory	Name of area	Name of the factory	Period for which exemption granted
1	2	3	4	5
1.	Andhra Pradesh . . . . .	Visakhapatnam-I	Indian Oil Corporation Limited, (Marketing Division), Post Box No. 54, Malkapuram Installation, Visakhapatnam-I.	From 14-7-1977 upto and inclusive of 30-8-1977.
2.	Andhra Pradesh . . . . .	Secunderabad	Indian Oil Corporation Limited, (Marketing Division) Post Box No. 1634, RRC Ground, Secunderabad.	From 14-7-1977 upto and inclusive of 30-8-1977.
3.	Andhra Pradesh . . . . .	Vijayawada	Indian Oil Corporation Limited, (Marketing Division), Station Road, Vijayawada.	From 14-7-1977 upto and inclusive of 30-8-1977.
4.	Andhra Pradesh . . . . .	Secunderabad-14	Indian Oil Corporation Limited, Aviation Food Station, Post Office Hakimpet Air Force Station, Secunderabad-14.	From 14-7-1977 upto and inclusive of 30-8-1977.
5.	Delhi . . . . .	Delhi	Indian Oil Corporation Limited, (Marketing Division), L.P.G. Bottling Plant, Shakurbasti, Delhi-26.	From 14-7-1977 upto and inclusive of 30-8-1977.
6.	Delhi . . . . .	Delhi	Indian Oil Corporation Limited, (Marketing Division), Opposite Sivaji Park, Shakurbasti, Delhi-26.	From 14-7-1977 upto and inclusive of 30-8-1977.
7.	Delhi . . . . .	Delhi	Indian Oil Corporation Limited, Aviation Fuel Station, Sarkar Bazar Road. Near More Line, Palam, Delhi Cantt-10.	From 14-7-1977 upto and inclusive of 30-8-1977.
8.	Kerala . . . . .	Cochin	Indian Oil Corporation Limited, (Marketing Division), Post Box No. 535, Willington Island, Barbour Road, Cochin-3.	From 14-7-1977 upto and inclusive of 30-8-1977.
9.	Kerala . . . . .	Cochin	Indian Oil Corporation Limited, (Marketing Division), Cochin Refinery Installation, Post Box No. 8, Tripunithura, Via Cochin.	From 14-7-1977 upto and inclusive of 30-8-1977.

1	2	3	4	5
10.	Kerala	Cochin	Indian Oil Corporation Limited, (Marketing Division), Karshaka Road, Post Bag 1759, Ernakulam, Cochin-6.	From 14-7-1977 upto and inclusive of 30-8-1977.
11.	Tamil Nadu	Madras	Indian Oil Corporation Limited, (Marketing Division), Ernove High Road, Madras.	From 14-7-1977 upto and inclusive of 30-8-1977.
12.	Tamil Nadu	Madras	Indian Oil Corporation Limited, (Marketing Division), Korukupet Madras-21.	From 14-7-1977 upto and inclusive of 30-8-1977.
13.	Tamil Nadu	Madras	Indian Oil Corporation Limited, (Marketing Division), North Railway Terminus Road, Royapuram, Madras.	From 14-7-1977 upto and inclusive of 30-8-1977.
14.	Tamil Nadu	Madras	Indian Oil Corporation Limited, Aviation Fuel Station, Meenambakkam Airport, Madras.	From 14-7-1977 upto and inclusive of 30-8-1977.
15.	Tamil Nadu	Madras	Indian Oil Corporation Limited, Tube Blending Plant, Ennere High Road, Tendiarpet Tiruvethiyur Post, Madras-81.	From 14-7-1977 upto and inclusive of 30-8-1977.
16.	Maharashtra	Bombay	Indian Oil Corporation Limited, (Marketing Division), Near Government Food Grains Godowns, Wadala, Bombay-31.	From 14-7-1977 upto and inclusive of 30-8-1977.
17.	Maharashtra	Bombay	Indian Oil Corporation Limited, (Marketing Division), Near Tata Thermal Power Plant, Trombay, Corridor Road, Bombay-74.	From 14-7-1977 upto and inclusive of 30-8-1977.
18.	Maharashtra	Bombay	Indian Oil Corporation Limited, (Marketing Division), Opposite Sewaree Railway Station, Bombay-15.	From 14-7-1977 upto and inclusive of 30-8-1977.
19.	Maharashtra	Poona	Indian Oil Corporation Limited, (Marketing Division), Rajbahadur Motilal Road, Poona.	From 14-7-1977 upto and inclusive of 30-8-1977.
20.	Maharashtra	Bombay	Indian Oil Corporation Limited, Aviation Fuel Station, Santa Cruze Airport, Bombay-29.	From 14-7-1977 upto and inclusive of 30-8-1977.
21.	Karnataka	Bangalore	Indian Oil Corporation Limited, (Marketing Division), Nagadi Road, Post Bag No. 3, Bangalore-23.	From 14-7-1977 upto and inclusive of 30-8-1977.
22.	Karnataka	Bangalore	Indian Oil Corporation Limited Aviation Fuel Station, Bangalore Airport, Bangalore.	From 22-2-1977 upto and inclusive of 30-8-1977.
23.	Andhra Pradesh	Hyderabad	Indian Oil Corporation Limited, Aviation Fuel Station, Begumpet Airport, Hyderabad.	From 22-2-1977 upto and inclusive of 30-8-1977.
24.	Punjab	Jullundur	Indian Oil Corporation Limited, (Marketing Division), Railway Goods Shed Road, Jullundur.	From 19-6-1977 upto and inclusive of 30-8-1977.
25.	Haryana	Ambala Cantonment	Indian Oil Corporation Limited, (Marketing Division), Bulk Centre, Ambala Cantonment.	From 19-6-1977 upto and inclusive of 30-8-1977.
26.	Haryana	Hissar	Indian Oil Corporation Limited, (Marketing Division), Hissar.	From 10-7-1977 upto and inclusive of 30-8-1977.
27.	Uttar Pradesh	Kanpur	Indian Oil Corporation Limited, (Marketing Division), Armapore, Kanpur.	From 4-4-1977 upto and inclusive of 30-8-1977.
28.	Maharashtra	Nagpur	Indian Oil Corporation Limited, (Marketing Division), Moti Bag, Nagpur.	From 22-2-1977 upto and inclusive of 30-8-1977.
29.	West Bengal	Calcutta	Indian Oil Corporation Limited, (Marketing Division), Dum-Dum Aviation Fuel Station, Dum-Dum Airport, Calcutta.	From 31-8-1976 upto and inclusive of 30-8-1977.
30.	West Bengal	Calcutta	Indian Oil Corporation Limited, (Marketing Division), Mourigram Installations, Post Office Radhadasi, District Howrah.	From 31-8-1976 upto and inclusive of 30-8-1977.



1	2	3	4	5
31. West Bengal	Paharpur	Indian Oil Corporation Limited, (Marketing Division), Paharpur Installations, West Bengal.	From 31-8-1976 upto and inclusive of 30-8-1977.	
32. West Bengal	24 Paraganas	Indian Oil Corporation Limited, (Marketing Division), Budge Budge Installations, Post Office Budge Budge, 24, Paraganas, West Bengal.	From 31-8-1976 upto and inclusive of 30-8-1977.	
33. Assam	Gauhati	Indian Oil Corporation Limited, (Marketing Division), Gauhati Installation, Gauhati.	From 31-8-1976 upto and inclusive of 30-8-1977.	
34. Bihar	Patna	Indian Oil Corporation Limited, (Marketing Division), Patna Installation, Patna.	From 31-8-1976 upto and inclusive of 30-8-1977.	

[No. S-38017/5/76-H.I.]

नई दिल्ली, 25 फरवरी, 1977

का० जा० 796.—केन्द्रीय सरकार का समाधान हो गया है कि भारत सरकार के संचार मंत्रालय, डाक तार बोर्ड की डाक तार मोटर सेवा कर्मशाला, मुम्बई के कर्मचारियों को, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबध्ति प्रसुविधाएं, जैसी सारतः प्रसुविधाएं प्राप्त हैं।

अतः, अब, उक्त अधिनियम की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० जा० 2050 तारीख 15 मई, 1976 के क्रम में केन्द्रीय सरकार, कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात्, एतद्वारा उक्त कारखाने को उक्त अधिनियम के प्रवर्तन से, 15 जनवरी, 1977 से 14 जमवरी, 1978 तक, जिसमें यह दिन भी सम्मिलित है, एक और वर्ष की अवधि के लिए छूट देती है।

2. पूर्वापेक्षी छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे हममें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियां, ऐसे प्ररूप में और ऐसी विधिप्रणितियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

- धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दो गई किसी विवरणी की विधिप्रणितियों को सत्यापित करने के प्रयोजनार्थ; या
- यह अभिनियमित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाप्रेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गए थे या नहीं; या
- यह अभिनियमित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
- यह अभिनियमित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

- प्रान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- ऐसे प्रधान या अव्यवहित नियोजक के अधियोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रधान से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के सन्वाय से संबन्धित ऐसे लेखा, बहियों और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या
- प्रधान या अव्यवहित नियोजन की, उसके अधिकर्ता या सेबक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की तकल तैयार करना या उससे उद्धरण लेना।

#### व्यावहारिक ज्ञापन

इस मामले की पूर्वापेक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के लिए आवेदन-पत्र पर कार्यवाई करने में समय लगा। तथापि यह प्रमाणित किया जाता है कि जिन परिस्थितियों में कारखाने को मूलरूप में छूट प्रदान की गई थी, वे अभी तक भी विद्यमान हैं और कारखाना छूट के लिए पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट की मंजूरी किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं डालेगी।

[सं० एस-38014/1/77-एच०आई०]

New Delhi, the 25th February, 1977

S.O. 796.—Whereas the Central Government is satisfied that the employees of the Posts and Telegraphs Motor Service Workshop, Bombay, belonging to the Government of India in the Ministry of Communication, Posts and Telegraphs Board, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 2050 dated the 15th May, 1976, the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the above mentioned factory from the operation of the said Act for a further period of one year with effect from the 15th January, 1977 upto and inclusive of the 14th January, 1978.

2. The above exemption is subject to the following conditions, namely:—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall for the purposes of—
  - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration or which exemption is being granted under this notification; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory.

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

#### EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the conditions under which the factory was initially granted exemption still persist and the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/1/77-HI]

नई दिल्ली, 26 फरवरी, 1977

क्र० आ० 797.—केंद्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 87 द्वारा प्रवृत्त शक्तियों का प्रयोग करने द्वारा, भारत सरकार को श्रम मन्त्रालय की अधिसूचना संख्या आ० आ० 2052, तारीख 15 मई, 1976 के अनुक्रम में, दि फर्नीलाउजर कार्पोरेशन आफ इण्डिया लिमिटेड, दामे, मुम्बई को उक्त अधिनियम के प्रवर्तन से 5 जनवरी, 1977 से 4 जनवरी, 1978 तक जिसमें यह दिन भी सम्मिलित है, एक वर्ष की और अवधि के लिए छूट देती है।

2 पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्—

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्रारूप में और ऐसी विनिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी ;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विनिष्टियों को सत्यापित करने के प्रयोजनार्थ ; या
- (2) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा क्याप्रोविज्ड रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गए थे या नहीं ; या
- (3) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, तकद में और वस्तु रूप में पाने का हक्कार बना हुआ है या नहीं ; या
- (4) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझते हैं ; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजूदरी के संदाय से संबंधित ऐसे लेखा, बहिया और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने के, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं ; या

- (ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकर्ता या मेवक को, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या

- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखावही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

#### व्यावहारिक ज्ञापन

इस मामले में पूर्वापेक्षी प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट देने के लिए अभ्यावेदन पर कार्यवाई करने में समय लगा। तथापि, यह प्रमाणित किया जाता है कि जिन परिस्थितियों में कारखाने को आरम्भ में छूट दी गई थी वे अभी भी विद्यमान हैं और कारखाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने में किराा के हिस पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं. एम-38017/4/76-एच० आई०]

एम० एम० महन्तनामन, उप सचिव

New Delhi, the 26th February, 1977

**S.O. 797.**—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 2052 dated the 15th May, 1976 the Central Government hereby exempts the Fertilizer Corporation of India Limited, Trombay, Bombay from the operation of the said Act for a further period of one year with effect from the 5th January, 1977 upto and inclusive of the 4th January, 1978.

2. The above exemption is subject to the following conditions, namely:—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—
  - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory,

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

- (d) make copies of or take extracts from, any register account book or other document maintained in such factory, establishment, office or other premises.

#### EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in the case, as the processing of the application for exemption took time. However, it is certified that the conditions under which the factory was initially granted exemption still persist and factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 38017/4/76-HI]

S. S. SAHASRAMAN, Dy. Secy.

#### आदेश

नई दिल्ली, 28 जनवरी, 1977

**का० आ० 798.**—केन्द्रीय सरकार को राय है कि इसमें उपाबद्ध अनुसूची में ब्रिनिडिष्ट विषयों के बारे में सैमस पी० देवा राजू नायडू एंड संस 24 नाथ बीच रोड, मद्रास-600001 के प्रबन्धन में सम्बद्ध नियोजकों और उनके कामकाजों के बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्टित करना वाछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधि-करण गठित करती है जिसके पोटामोन अधिकारी श्री टी०एन० सिंगारावेलू हंगि, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधि-करण को न्यायनिर्णयन के लिए निर्दिष्टित करती है।

#### अनुसूची

क्या सैमस पी० देवराजूलू नायडू एंड संस, मद्रास के कर्मिकल विपिक (क्रियू कलक) श्री पी० जयसमन, उक्त प्रतिष्ठान में पहली जनवरी, 1969 से 30 सितम्बर, 1972 तक कर्मिकल-लापिक (क्रियू कलक) के रूप में अपने नियोजनों की अधिग्रह के लिए केन्द्रीय पतन और गोदी श्रमिक मजदूरी बोर्ड को सिफारिशों से होने वाले लाभों के हक्दार है? यदि हाँ, तो क्या उनको देय लाभों को गणना न्याय के रूप में की जाएगी।

[संख्या एम-33012(1)/72-पी०एच० डी०/सी०एच०टी०/डी०-4(ए)]

नन्द राम, डेप्टी अधिकारी

#### ORDER

New Delhi, the 28th January, 1977

**S.O. 798.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs P. Davarajooloo Naidu and Son, 24, North Beach Road, Madras-600001 and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. N. Singaravelu shall be the Presiding Officer with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

## SCHEDULE

New Delhi, the 23rd February, 1977

Whether Shri P. Jayaraman, Crew Clerk of Messrs P. Davarajooloo Naidu and Son, Madras is entitled to the benefits arising out of the recommendations of the Central Wage Board for port and dock workers for the period of his employment in said establishment as a Crew Clerk from the 1st January, 1969 to the 30th September, 1972 ? If so, the benefits due to him be computed in terms of cash value ?

[No L-33012(1)/72-P&amp;D/CMT/D. IV(A)]

NAND LAL, Desk Officer.

आदेश

नई दिल्ली, 22 फरवरी, 1977

का०आ० 799.—केन्द्रीय सरकार, न्यूनतम मजदूरी (केन्द्रीय) (नियम, 1950 के नियम 21 के उपनियम (2) के खण्ड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, मुम्बई पत्तन न्यास को प्राधिकार प्रदान करती है कि वह अपने द्वारा नियोजित व्यक्तियों की मजदूरी में से मुम्बई पत्तन अस्पताल में भर्ती इस प्रकार नियोजित किसी कर्मचारी या उसके कुटुम्ब के किसी सदस्य की चिकित्सा परिचर्या और उपचार से संबंधित भोजन और एम्बुलेंस प्रभार के रूप में व्यय की गई राशि की कटौती कर ले परन्तु यह कि—

- (1) कटौती किसी एक मास में ऐसे कर्मचारी की मासिक मजदूरी के 25 प्रतिशत से अधिक नहीं होगी ;
- (2) विगत अर्ध की बाबल कटौती इस प्रकार नियोजित कर्मचारी के लिखित प्राधिकार के बिना नहीं की जायेगी ।

स्पष्टीकरण :—इस आदेश के प्रयोजनों के लिये 'कर्मचारी के कुटुम्ब' का वही अर्थ है जो चिकित्सा परिचर्या और उपचार के संबंध में मुम्बई पत्तन न्यास नियमों में दिया गया है ।

[सं० एम०-32012(3)/72-डब्ल्यू०ई० (एम०

डब्ल्यू०/डब्ल्यू० सी०)]

टी० एम० शंकरन, अवर सचिव

## ORDER

New Delhi, the 22nd February, 1977

S.O. 799.—In exercise of the power conferred by clause (v) of sub-rule (2) of rule 21 of the Minimum Wages (Central) Rules, 1950, the Central Government hereby authorises deductions being made by the Bombay Port Trust, from the wages of persons employed by it, of the expenses incurred by way of diet charges and ambulance charges relating to medical attendance and treatment of the persons so employed or any member of such employee's family, admitted to the Bombay Port Hospital :

Provided that—

- (1) the deduction shall not exceed 25 per cent of the monthly wages of such person in any month;
- (2) the deduction in respect of a past period shall not be made, without the written authorisation of the person so employed.

Explanation :—For the purposes of this Order the expression 'employee's family' has the meaning assigned to it in the Bombay Port Trust Rules relating to Medical Attendance and Treatment.

[No. S. 32012(3)/72-WE(MW/WC)]

T. S. SANKARAN, Additional Secy.

S.O. 800.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of the Food Corporation of India, Sembanarkoil and Shri Muthuswamy Iyer, Contractor, 32, Andar Street, Tiruchy on the one hand and their workmen which was received by the Central Government on the 17th February, 1977.

BEFORE THIRU T. N. SINGARAVELU, B.A., B.L.

(Constituted by the Central Government)

## Industrial Disputes Nos. 57 of 1975 and 15 of 1976

(In the matter of the disputes for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Modern Rice Mill of the FCI, Sembanarkoil and Thiru Muthuswamy Iyer, Contractor).

## BETWEEN

The workmen represented by the Secretary, Food Corporation of India Mill Basic Workers' Union, Karpaga Nilayam, Main Road, Sembanarkoil, Mayuram Taluk, Tanjore District. (in both the disputes).

## AND

1. The Management, Food Corporation of India Factory (Rice Mill), Sembanarkoil, Mayuram Taluk, Tanjore District.
2. Shri Muthuswamy Iyer, Contractor, Food Corporation of India, 32, Andar Street, Tiruchy-2. (in both the disputes).

## REFERENCE :

Order No. L. 42011(1)/75-D, 2(B), dated 30-7-1975 of the Ministry of Labour, Government of India, (in I.D. No. 57 of 1975).

Order No. L. 42011(i)/75-D.II(B), dated 18-2-1976 of the Ministry of Labour, Government of India. (in I.D. No. 15 of 1976).

These disputes coming on for final hearing on Monday the 10th day of January, 1977 upon perusing the references, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru D. P. Solomon Christie, Secretary of the Union for the workmen in both disputes and of Thiru G. R. Lakshmanan, Advocate for the Food Corporation of India in both the disputes and Thiruvalargal R. Narayana Iyer, Secretary and V. J. Vaidyanatha Iyer, Vice-President of the Tamil Nad Employers Guild for the Contractor in both the disputes and having stood over till this day for consideration, this Tribunal made the following.

## COMMON AWARD

I.D. No. 57 of 1975 is an Industrial Dispute between the Management of Modern Rice Mill of the Food Corporation of India at Sembanarkoil (Thanjavur District) and its workmen with reference to the demand of some of the casual workmen for fixation of their grade, designation, etc. I.D. No. 15 of 1976 is an Industrial Dispute by some other employees of the same Management claiming similar reliefs in respect of some posts and for fitting all the temporary employees permanently in the Mill. Common questions of fact and law are involved, and as the disputes are practically the same in both the cases, common evidence was recorded by consent and a common Award is passed. Common counsel appeared for the parties in both the disputes and common arguments were advanced.

**I.D. No. 57 of 1975**

2. This dispute has been referred by the Government of India in its Order No. L. 42011(1)/75-D-2(B), dated 30th July, 1975 and the issues are as follows:

- (1) Whether the casual workmen of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil, Sarvashri M. S. Dhanapal, M. Kunjaiyan, Pormuthu, K. Thiagarajan and T. Balasubramanian, holders of Industrial Training Institute Certificates with one year's service and more should be designated as Operators and given the grade pay of Operators, and if so, from which date?
- (2) Whether the casual workmen of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil, Sarvashri C. Jayachandran, R. Navaneethan, Inbasakaran and N. Chandran, holders of Boiler Attender Certificate should be given the Boiler Attender's grade, and if so, from which date?
- (3) Whether the demand of the workmen of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil for grant of National and festival holidays with wages to the casual workers is justified? If so, which National and festival holidays should be granted in a year?

3. Some casual workmen of the Modern Rice Mill of the Food Corporation of India have filed a claim statement through their Union and the averments are briefly as follows: The Petitioners are 'casual workmen' of the Modern Rice Mill at Sembanarkoil owned by the Food Corporation of India (hereinafter referred to as the Corporation) and they placed several demands before the Management which are as follows: Persons who have one year of service should be made permanent and paid monthly salary. Persons who have passed the I.T.I. and have served for one year, should be posted as operators and be given the operator's grade salary in vogue. Persons who hold Boiler Attender Certificates should be given the Boiler attender's Grade salary on a permanent basis. National and Festival Holidays should be given with wages. According to the Union, the Rice Mill was started by the Corporation in 1968, but the number of workers employed therein is not known and the Corporation is engaging casual workers of their own accord without giving them any tenure of permanency. Skilled workmen holding I.T.I. Certificates and Boiler Attender Certificate are given only unskilled work and unskilled persons are given skilled work. The Corporation has resorted to the practice of giving labour contract, but the same set of workers are employed by the Contractor. Though the Contractor is supposed to have employed these workers, the supervision and the work allotment are invariably done by the Corporation Officials and therefore these workers are the 'employees' of the Corporation and not under the Contractor. The claim of the Corporation that it has nothing to do with the workers and that they are not employed only by the Contractor cannot at all be upheld. The Union placed a charter of demands and there was Conciliation before the Assistant Labour Commissioner, Madras; but it was fruitless. Therefore, the casual workmen pray that they should be made permanent and also given proper designation of their posts. They should also be granted National and Festival Holidays with wages. In the additional claim statement, the specific workers had given their qualifications and they want to be designated as Operators or as Boiler Attenders, as the case may be. Since the Management contends that these workers are employees under the Contractor, the said contractor, namely Thiru Muthuswamy Iyer, is also impleaded as a party to the dispute.

4. The Food Corporation of India has filed a counter statement as follows: The claim statement of the Union itself is clumsy, defective and devoid of particulars. The claim statement is nothing more than a bundle of correspondence between the Union and the Corporation, and therefore no definite case has been made out even in the claim statement. That apart, the Modern Rice Mill at Sembanarkoil (Tanjore District) started functioning in 1968 and the bulk of the work of the Rice Mill is carried on through labour and transport Contractors appointed by the Corporation after openly calling for tenders. Having regard to the nature of the work in the

Rice Mill, Labour Contractors have to be appointed to do specified jobs as disclosed in the tender. Regular agreements have been entered into between the Contractors and the Corporation and the copies of agreements and tender are produced before this Tribunal. The workers mentioned in the reference are not workmen or employees of the Corporation and there is no relationship of employer and employee between them. The Contractor supplies casual workers for doing some specified jobs in the Rice Mill and these casual workers under the Contractor can never claim to be regularised in the services of the Corporation, which is a Government of India undertaking. Therefore, the dispute has to be dismissed in limine on this short point alone.

5. The Contractor Thiru S. Muthuswamy Iyer has filed a separate counter statement as follows: The reference itself is vague and confusing. The demands of the workmen are beyond the scope of the reference. That apart, this Respondent is only a Contractor for certain period for supply of casual labourers to the Corporation and those persons were paid weekly wages by this Respondent for the casual labour done by them. The issues 1 and 2 are with reference to the question whether specified persons among the casual labourers should be given special designations and higher wages. This Tribunal has no jurisdiction to make such an enquiry, since the workers are merely casual labourers and not permanent employees. In any event, none of the workmen ever raised any demand against this Respondent (Contractor) and therefore the very reference impleading this Respondent as a party is void and not based on any material. There is no Industrial Dispute so far as this Respondent is concerned and he is an unnecessary party to the dispute. No relief is asked for against this Respondent and therefore he should be struck-off the record.

**I.D. No. 15 of 1976**

6. This dispute has been referred by the Government of India, in its Order No. L. 42011(1)/75-D-II(B), dated 18-2-1976 and the issues framed in the Schedule are as follows:

- (1) Whether the casual workmen of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil, namely, Shri Thulasi Doss, Sri K. Natarajan, Shri T. M. Balasubramaniam and Shri Gurasekharan, holders of Industrial Training Institute Certificate, with one year's service and more, should be designated as Operators and given the grade pay of Operators? If so, from which date?
- (2) Whether the casual workmen of the Modern Rice Mill of the Food Corporation of India, Sembanarkoil, namely Shri S. Balasubramaniam, Shri K. Chandran, Shri D. Manivannan, Shri Pannoorselfam, Shri Chandrasekharan, Shri Ponnuthu and Shri K. Thiagarajan, holders of Boiler Attendant Certificates should be given the Boiler Attendant's grade? If so, from which date?
- (3) Whether the casual workmen employed in the Modern Rice Mill of the Food Corporation of India, Sembanarkoil, who have put in more than one year of service in the said Mill, are entitled to regular employment in the said Mill? If so, from what date and with what grade and other benefits?

7. Some named employees have filed a claim statement through their Union and it runs as follows: The persons mentioned therein are 'casual workmen' working in the Modern Rice Mill at Sembanarkoil, but they are continuously working throughout the year. Though some of them are skilled workmen, they are engaged only as casual labourers without proper designation. Every one of them should be upgraded and made permanent with retrospective effect from the date of their working. All casual workers who have worked for more than one year should be made permanent and they should be regularised with retrospective effect and with back wages.

8. The Food Corporation of India filed a counter statement stating that these persons mentioned in the reference are not its workmen in any sense. The place of work is only a Rice Mill in Tanjore District and the work is carried on through casual labour supplied by the Contractors duly appointed for that purpose by the Management after calling for tenders. The Contractor supplies labour to do some

specified jobs and therefore the 'casual workers' employed by the Contractors are not 'workmen' under the Corporation. Even if some of them have worked under the Contractor continuously for some time, this Corporation is not concerned at all, as there is no relationship of Master and Servant between them. The claim that the 'casual workers' under the Contractor should be regularised in the Corporation, and that too with back wages from 1970 onwards, is preposterous and fantastic. The Corporation makes its appointment only through Employment Exchange when vacancies arise. The claim of the Union that all the casual workmen who have worked for one year as casual labourers should be made permanent in the service of the Corporation is absolutely meaningless and untenable. Similarly, their claims for promotion and fitment are wholly baseless. All the claims are frivolous and therefore they have to be dismissed with costs.

9. The Contractor Thiru S. Muthuswami Iyer who is a party to this dispute has filed a separate Statement repeating the averments he made in I.D. No. 57 of 1975 and it is unnecessary to repeat them here. According to him, he was only a Contractor for a short period and he engaged some casual labourers to do some specified jobs in the Mill. This Respondent is an unnecessary party, since no relief is asked for against him and no relief can be granted.

#### I.D. No. 57 of 1975 and I.D. No. 15 of 1976

10. A few admitted facts have to be stated at the outset for appreciating the contentions in these disputes. The Food Corporation of India came into existence by an Act of Parliament in about 1964 and is working as an undertaking of the Government of India for receiving, handling and transporting paddy to the various places according to the needs. It is not a profit making concern and it is working under the direct control of the Food Department of the Government of India. After the formation of the Corporation under a Statute in about 1964, several godowns and Rice Mills were constructed by the Corporation in the various parts of the country. The Modern Rice Mill at Sembanarkoil at Mayuram is one of the four Rice Mills constructed by the Corporation in Tamil Nadu. This Rice Mill in question at Sembanarkoil commenced in about 1968 and it is gradually growing in size. In 1969, a Dryer Section was added to this Mill and, in about 1971-72, a Silo was constructed for storing the paddy with some additional improvements. As is obvious, the functions of the Rice Mill as a Government Agency are to receive paddy from the Agriculturists on Government account, store them in the godowns and then process them into rice after parboiling, drying and husking. After husking, the rice will be filled in bags and stored in the godowns of the Mill and they will be despatched to the various places according to the orders from the Head Office of the Corporation. Therefore, the functions of a Rice Mill in the very nature of things are very limited. Further, paddy is a seasonal commodity and is available only twice a year during the time of harvest. Therefore, in the very nature of things, there cannot be full-time work for a Rice Mill throughout the year. If there is no sufficient procurement of paddy, the Rice Mill will have to keep idle temporarily. Lastly, as stated earlier, this is one of the four Rice Mills of the Corporation situated in Thanjavur District is controlled by the District Manager of the Food Corporation of India at Thanjavur. In other words, this Rice Mill at Sembanarkoil is one of the four constituent Mills forming the Unit.

11. According to the Corporation, processing of paddy into rice and the receipt and despatch of the same are only seasonal and therefore they have a limited permanent staff at the Rice Mill comprising of the following members : Ex. M-8 is an Annexure filed by the Management to show the consolidated sanctioned strength of the Staff in all the four Rice Mills. Ex. M-8 discloses that there is an Assistant Manager who is the Head of the Office of the Rice Mill. Then, there are two Mechanic-cum-Operators, one Electrician-cum-Operator, one Welder, six Assistant Mechanics at two per shift, six Khalasis, one Assistant Grade II, two Assistant Grade III including a Typist, one Technical Assistant Grade II for each Mill, one Messenger, one Picker in the Laboratory, four Watchmen and one Sweeper. Some extra staff are sanctioned to the Rice Mills which have the Dryers and Parboiling equipments. This Rice Mill at Sembanarkoil has a Dryer and a Parboiling Section and therefore the sanctioned staff for these

sections are three Dryer Operators for each Dryer, three Cleaners, eight Casual Labourers for each Dryer, four Boiler Attendants, three Assistant Mechanics for each boiler and three Khalasis for each boiler. This Statement of Staff strength is also supported by the evidence of the Assistant Manager, Thiru R. Bhaskaran (M.W.2), who has stated that in the Dryer and Parboiling Sections there are in all 15 permanent workers, 10 permanent employees at the Silo and 6 permanent workers at the Boiler. This according to the Corporation is the permanent of the staff for this Rice Mill and it is carrying on its processing functions with the aid of Contract Labour appointed to do some specific jobs. The process of converting paddy into rice is very simple and unsophisticated.

12. As pointed out already, the paddy will have to be received at the Mill Godown from outside places, and after stacking them for some time, they will be processed into rice and then they will be filled in bags and kept in the godown ready for despatch. The transport of these bags of paddy and the resultant rice are done by Transport Contractors whose duty is to handle, load and unload them at the places required. For this purpose, the Head Office of the Corporation calls for Labour and Transport Contract by open tender and then appoint Contractors to do specified jobs from time to time. Ex. M-2 is a file showing the tender and the conditions of the contract for labour and transport. Ex. W-33 is one of the advertisements by the Food Corporation of India calling for tenders from the public for handling, loading and unloading the goods at the various Rice Mills. Ex. M-2 sets out the various conditions of contract and it is a very elaborate document with all details of the rights and liabilities of the Contractor. Page 12 of Ex. M-2 recites that the Corporation do not guarantee any definite volume of work or any particular pattern of service at any time or throughout the period of the contract. The conditions then state that it will be the duty of the Contractors to unload the goods into the vehicle at the Railway station, transport them, unload them at the Rice Mill and then stack them in godown. The Rice Mill also engages Contractors for the purpose of feeding the Parboiling pit and the Dryers in the Rice Mills, for weighing, for cleaning and filling them in bags, etc. Ex. M-2 clearly states that the Contractors shall provide casual labour whenever asked to do so at short notice and it is the duty of the Contractors to engage competent and adequate staff and labour for ensuring efficient handling and transport of foodgrains with accurate and upto-date information regarding the progress of work and the staff. The Contractors have to furnish security to the Corporation, and after finishing the specified work, they claim the amount through the local office and the same will be sanctioned by the District Manager of the Corporation. This is the practice prevailing in these Rice Mills as borne out from the evidence. We must also remember the Rice Mills of the Corporation are of recent origin having come into existence just a few years ago. It is very significant to note that admittedly the casual workers employed for this purpose aforesaid are daily-paid employees who receive daily wages for the days they work. In other words, they are not monthly-rated workers and they are only casual workers.

13. With this admitted background, let us consider the contentions of the parties in this dispute. According to the Union, the workers employed in the Rice Mill for the purpose of processing paddy into rice are all direct workers under the Corporation. As against this, Corporation would contend that these casual workers were never employed by the Corporation and that they are only workers employed by the Contractors appointed by the Corporation to do some specific work at specified times. In this connection, it is important to note that the Union itself has admitted the prevalence of the contract system in the Rice Mill for the purpose of Labour and Transport : of course, their contention is that this 'contract system' should go and that regular employment should be given by the Corporation to these casual workers engaged by the Contractors. Ex. W-34 is a copy of the petition by the Union to the various hierarchy of the Administration from the Honourable President of India down to the Inspector of Labour, Thanjavur. In this Complaint (Ex. W-34), the Secretary of the Union and the affected workers have stated that the Corporation is appointing Contractors from year to year just to defraud and evade the legal rights of the labourers and they prayed therein that this 'contract system' should be put an end to and all the workers should be absorbed as regular employees of the Corporation owned by the Government of India. The Conciliation Failure Report Ex. W-28

also shows that the Union is against this Contract system and has asked for its abolition. This is the crux of the dispute between the parties, though the Union has couched and camouflaged the issue by side-tracking the same. In short, the Union attacks the 'contract system' of the Corporation and has been asking for its abolition for the past several years. In this connection, it is significant to note that the reference itself has impleaded the then Contractor (Thiru S. Muthuswamy Iyer) as a party to this dispute. In other words, the reference itself recognises the existence of a Contractor and therefore impleaded him as a party. The said Contractor has also entered appearance and has filed a counter statement stating that he was appointed as a Contractor by the Corporation in an open tender system for a particular period and that he had engaged certain labourers to do specified work in the Rice Mills. According to him, the contract itself was over and therefore he is an unnecessary party to the present dispute. The result of my discussion is that the Union itself has all along admitted the existence of 'contract system' in the Rice Mill, though for the purpose of this enquiry the Union has let in evidence to the contra, namely that they are direct workers of the Corporation.

14. When once the existence of contract system is admitted and proved, then this Tribunal will have no jurisdiction to enquire into this dispute for the simple reason that the contract system for labour and transport in the Food Corporation Rice Mill is not something irregular or illegal. Further, the Corporation itself is working as a Department of the Government and is governed by the Acts and Rules of the Government of India and under a hierarchy of officials of the Food Department. It is for the Government to invoke the provisions of the Contract Labour Abolition Act, if it so decides on merits. In other words, it is not open to the Union to question the existence of the contract system before this Tribunal. The evidence on the side of the Management is very clear that the Corporation has been appointing Contractors from year to year from 1970 onwards. (The Rice Mills themselves were stated only in about 1969). Therefore, even on this preliminary point, the claims of the Union have to be rejected in limine.

15. Of course, the Union would conveniently take a different stand in this enquiry and attempted to state that the casual workers in the Rice Mills are all directly employed by the Corporation and that they are not labourers under the Contractor. This stand itself is inconsistent with and contrary to the earlier stand of the Union and it is significant to note that their claim statements are all very vague and devoid of particulars. Their claim statements are cryptically silent and they are nothing more than a bundle of correspondence between the Union and the Management. It may also be stated that the Union cannot get over the hard fact of the existence of 'contract system' in the Rice Mill for the purpose of loading and unloading and handling of foodgrains including Parboiling, Drying, Cleaning and Stacking them in the Godowns. As I said, the Contractor himself is a party to the dispute and he has filed a Statement admitting that he was a Contractor of the Rice Mill for a certain period and that he engaged some casual labourers for the work during his tenure. Therefore, it is futile for the Union now to pretend that there was no Contractor and that the casual workers are all directly employed by the Corporation.

16. Though vanquished, the Union has examined number of witnesses W.W.1 to W.W.12 to say that they are all paid by only the local Officer of the Rice Mill at Sembanarkoil and not by any Contractor. It is very easy to let in evidence of this kind and it can never be accepted in the face of the circumstances set out above. It is only an after thought for the purpose of this case and these casual labourers receiving daily wages lose nothing by saying that they are all paid only by the clerk of the Rice Mill and not by the Contractor. In the circumstances, it is not necessary to discuss in detail the evidence of W.W.1 to W.W.12, as they are mere parrot-like repetitions. Besides these 12 witnesses, a large number of casual workers who were perhaps employed by the Contractor have also filed affidavits stating that they were receiving wages directly from the Officer-in-charge of the Rice Mill and that they should be regularised. It was elicited in the cross-examination of W.W.1 to W.W.12 that there is nothing in writing to show that any of them was ever appointed by the Corporation. On the other hand, they were forced to admit that

they were employed only on daily wages at the rate of Rs. 3 or Rs. 3.50 per diem. They conceded that they were paid only for the days they worked and that no wages were ever paid to them for the days when there was no work. There was no monthly salary as such and therefore there was no need to maintain any Attendance Register by the Corporation. The significant answers of these witnesses are:

(Words in Tamil, not printed)

They have also admitted that there is nothing in writing to show that they worked continuously in the Mill, much less under the Corporation. All the witnesses would state that they want permanent jobs and also promotions with back wages from the date of their claims. In short, they want employment from the Corporation on a permanent basis. This is not at all the scope of enquiry in this reference and the Food Corporation is not an Employment Agency to provide jobs for the unemployed.

17. I shall briefly point out the hollowness of the claims of these witnesses which show that the claims are thoroughly frivolous and misconceived. W.W.1 is a woman sweeper in the Mill and she wants enhancement of her wages at Rs. 5 per diem. Her name is not mentioned in the reference and a daily wage earner employed casually cannot ask for enhancement of her wage before this Tribunal. W.W.2 claims to be the President of the Union and his name is not one of those mentioned in the reference. He would come and make a fantastic claim that he should be made permanent from 1968 with all back wages, etc. He also claims bonus for all the employees who are said to have worked in the Rice Mill. There is no limit to the claims of these casual labourers. It may be stated here that these two Industrial Disputes relate to the claims of some specified individuals who are casual workmen, for being absorbed as regulars with fresh designations. W.W. 2 who claims to be the President of the Union has of course produced some loose daily labour wage-sheets and exhibited them as Exs. W-1 to W-23. A perusal of these documents would show that these wage-sheets relate to some persons and they are for some short broken period from time to time. They range from the year 1969 to the end of 1971 or example, Ex. W-1 is for a period of 7 days in 1969; Ex. W-2 for 6 days in 1969 and Ex. W-3 for 6 days in 1970. I have perused these wage-sheets which contain the names of some casual workers and they provide an interesting reading. These sheets are relied upon by the Union to show that they are direct employees of the Corporation and not under any Contractor. But their own documents completely betray the case of the Union and proclaim the absurdity of their claims. For one thing, these wage sheets contain a certificate by the Contractor that the persons named therein were engaged by him for the few days mentioned there. Of course, this is countersigned by the Engineer-in-charge of the Rice Mill who is an employer of the Corporation. But these daily sheets would only show that the Contractor employed some labourers at random and that they were not regularly employed. In other words, they worked under the Contractor for a few days and, for the purpose of claiming their wages, the Contractor prepared those statements and presented before the local Officer who merely countersigned the same for the purpose of drawing the bill of the Contractor. It can never mean that the Corporation engaged these labourers. For another, the production of these sheets Exs. W-1 to W-23 speaks volumes and casts grave reflection on the bona fides of the claims of the Union. These documents which appear to be daily labour wage-sheets countersigned by the local Officer of the Rice Mill should naturally be in the custody of the Management, namely Food Corporation of India. It passes one's comprehension how these records of the Management passed into the hands of the Union to be produced before this Tribunal. In my opinion, it must be one of two things. Perhaps the then Contractor has obliged this Union with these wage sheets or that these documents should have been stealthily removed from the office of the Corporation by some of these casual workers and handed over to the Union. The President of the Union, namely W.W.2, when questioned in cross-examination about the custody of these documents would brazenly state before this Tribunal that he got these papers Exs. W-1 to W-23 from a waste-paper Under in the street. W.W. 2 has absolutely no regard for truth and he has stooped to this extent by giving a most absurd answer with reference to the custody of Exs. W-1 to W-23. If there was need for the Union to resort to such course, it only speaks that their claim is absolutely baseless.

18. The other witnesses on the side of the Union want permanent employment and also promotion as Operators, Boiler Attendants with retrospective pay and allowances. Each of them wants the status or grade of a Central Government employee on a total salary of not less than Rs. 500 per mensem. I have already stated that there is nothing on record to show that they ever worked in the Rice Mill continuously for any length of time, let alone that they worked directly under the Corporation. It is here that the question of absorbing these casual workers comes in. I have found supra that these workmen named in the reference are not employees of the Corporation and that they were only casual workmen under the Contractor. Assuming for a moment that these persons were casual workmen directly under the Corporation, there is no material to hold that the Rice Mill at Sembanarkoil has the financial capacity to absorb the large number of these casual workers as permanent employees with back wages from 1968. They have exceeded the limit when they state that they want not only permanency but also promotion retrospectively on the scale of pay of a Central Government employee. For this, the Union must prove that there are vacancies in the Rice Mill as also the financial capacity of this Mill to absorb these people on a salary of over Rs. 500 per mensem per head. The Union did not let in any iota of evidence on this aspect. I have already stated at the beginning that the Food Corporation is not a profit making concern. It is a department of the Government handling and distributing foodgrains to the places where deficiency arises from time to time. The work in the Rice Mill is seasonal, as it depends upon the procurement and harvest of the paddy. Therefore, it is impossible for a Rice Mill in a village at Sembanarkoil to take large number of persons on a permanent basis.

19. The Officers of the Rice Mill have given evidence as M.Ws 1 to 3. M.W.1 Thiru A. Sivagnanam is the Assistant Manager (Head of the Office of the Rice Mill) who worked there from 1969 to 1971. He has stated that the Corporation never appointed or engaged any labourers and that the work in the Mill was carried only through Contractors. He has stated that there is no need in the Unit for appointment of more staff. M.W.2 Thiru R. Bhaskaran was Officer of the Mill from 1971 to 1972. He corroborated the evidence of M.W.1 and stated that these workers are only employees under the Contractor and not direct workers. M.W. 3 Thiru K.M.B. Nair is the Assistant Manager of the Sembanarkoil Rice Mill from 3-7-1973 to 13-8-1975. He has also stated that there are permanent staff for the Mill as set out in, Exs.M-8 and C-1. He has stated that he would specify the work to the Contractor with directions to execute the same through his employees. Ex M-10 series and Ex M-11 are the workslips issued to the Contractor for the concerned period. Exs. M-13 and M-14 are the day-to-day accounts for the years 1971 and 1974, which are regularly maintained in the ordinary course of business. It is noticed that they are periodically audited and checked by Government Officers. There is nothing in these accounts to show that the Corporation ever paid wages to the casual employees. Therefore, the position is that there are no permanent vacancies in this Rice Mill nor it has the financial capacity to take in large number of permanent employees on the cadre of Central Government Servants at not less than Rs. 500 per mensem. For the same reason, the demand of the Union that the casual workmen who have put in more than one year of service in the Mill should be given regular employment on a monthly salary cannot be thought of. They are not monthly paid employees and they are neither temporary nor casual workers of the Corporation. Consequently, the question of Festival holidays with wages to these casual workers does not arise.

20. It is then noticed from Ex W-51 series (certified copies not produced) that, during the pendency of the Industrial Dispute No. 57 of 1975, this Union filed a Suit in O.S. No. 1 of 1976 on the file of the District Munsif of Sirkali for a declaration that the Food Corporation of India is not competent to declare "no work" for the Union workers and also prayed for an injunction restraining the Corporation from engaging outside labourers. The Corporation resisted the suit contending that the suit is not of a civil nature and that the Civil Court has no jurisdiction to entertain. Even there, the Corporation submitted that the workers are only casual labourers under the Contractor and that they are not employees under the Corporation and therefore they had no cause of action to file the suit against the Corporation. The Civil Court took up the question of jurisdiction as a preliminary issue and decided that

the Civil Court has no jurisdiction to entertain that suit. Consequently, the suit filed by the Union was dismissed with costs on 23-6-1976. Placing reliance on these circumstances, it was argued on behalf of the Management that the Union is harassing the Corporation on all forms, even though the Rice Mill was commissioned only so late as 1968. It was also pointed out that the casual workers, whose status itself is questioned have also filed a tall claim through the Union for bonus for some years. These persons who are admittedly casual workers have made several extraordinary demands on the Corporation for permanency of service, promotion, bonus, Provident Fund facilities, National holidays, etc., especially when it is seriously contended right from the beginning that these labourers are only daily workers under the Contractor who himself was appointed by the Corporation from time to time. It would also appear that when these extravagant demand were not considered these casual workers even gave a strike notice vide Ex. W-36. It is rather unfortunate that such harassing methods are adopted by the Union when they could not even prove before any forum that they worked continuously in the Mill for any length of time under the Corporation.

21. The Union then filed a number of certificates of the workmen like Exs. W-50 series W-54, W-55, W-56, W-57 W-58, W-64 series, W-65 series, W-66 series, W-67 series, W-68 series and W-73 to prove their employment. It is noticed therefrom that the Engineer-in-charge one Thiru Sivaprakasam issued some certificates to some of these workers in the Modern Rice Mill to the effect that they served as casual labourers in the Mill for some time. The Union has also filed some stray Dnty Cards to show that those persons worked in the Mill for some period. Placing reliance on these, it was argued by the Union that they are workers directly under the Corporation and therefore they should be recognised. I am unable to agree with this argument for the following reasons : Firstly, the Engineer-in-charge (Sivaprakasam) is nothing more than an Assistant (Upper Division Clerk) who was supervising the Contract Labourers in the actual working of the Mill. He is not the competent authority to appoint workers for the Corporation or to issue any certificates to these casual labourers. Secondly, the evidence is that these casual labourers wanted to appear for the Boiler Attender examination which requires some previous experience, and therefore they wanted some certificates of experience from their places of work. It was in this context that the said Sivaprakasam gave these certificates to the individuals who were candidates for the Technical examination. It was an innocuous conduct and Character certificates stating that the individual was working as a casual labourer in the Rice Mill and has some experience. It is not disputed that some of these workers were employed as casual labourers by the Contractors and they in fact worked in the Rice Mill for some time and therefore there is nothing significant in the Assistant (Sivaprakasam) giving a conduct certificate to these workers for the purpose of enabling them to appear for the examination. There was no other purpose in issuing these certificates and the workmen now want to take advantage of the certificates and spin out an argument that they were regular employees of the Corporation. Thirdly, the said Sivaprakasam who is the author of these certificates has sworn to an affidavit that the Rice Mill at Sembanarkoil never recruited any casual labourers and that the work was carried on only by approved Contractors. He has further stated that these casual employees under the Contractors wanted some Conduct certificates from him for the purpose of seeking employment elsewhere, and in all good faith, he issued those certificates on humanitarian grounds and that they are now being misused. I agree with the sworn statement of Thiru Sivaprakasam and, in any event, these certificates do not advance the case of these casual workers.

22. The Senior Regional Manager of the Corporation, Madras, Thiru R. A. Seetharam Das, I.A.S., has also filed an affidavit that neither the Engineer-in-charge who is only in the cadre of an Assistant nor the Assistant Mechanic have any power to appoint any employee for the Corporation and that it is the Senior Regional Manager who is the appointing authority of the staff. He further stated that F.C.I. never recruited any casual workers for execution of work in the Modern Rice Mill and they were all employees only under the Contractor. In the circumstances pointed out ward there is no difficulty in accepting the affidavit of Regional Manager and in rejecting the affidavits of the casual labourers employed under the Contractor. The affidavits of the work-



men are all rejected. As already stated, this is a department of the Government of India and there should be an appointment order for every appointment. Hundreds of casual workers employed in odd jobs in the Rice Mill by the Contractor have come forward to claim that they are all regular employees of the Corporation and that they should be fitted in the category of Central Government employees. There is nothing to show that the Corporation ever called for appointments nor they appointed them after observing the due formalities. On the other hand the Officers M. Ws 1 to 3 have stated that appointments in the Corporation have to be made only through the Employment Exchange and that too by the Head Office at Madras. These casual workers in a village rice mill who worked under the Contractor for some time have managed to obtain some stray official papers from the Office and they have now come forward with a tall claim of regularisation permanency, promotion, furlough, bonus, holidays, etc. I agree with the Management that this is an abuse of the provisions of the Industries Disputes Act by these casual workmen who have nothing to lose.

23. To sum up, the position is this : The Corporation has not employed any casual workers in the Mill from 1970 onwards, that is to say, ever since the contract system of labour was introduced in 1970. The persons named in the reference are not the workers of the Corporation and they are only daily labourers under the Contractor to do some specified jobs in the Mill. The work in the Mill itself is seasonal and it is a Government undertaking. Therefore, there is no question of regularising these casual workers or designating them as Operators and Boiler Attendants with retrospective effect. The Rice Mill is only one of the four Mills of the Unit in Tamilnadu and it has not been shown that it has the financial capacity to absorb a large army of unemployed men who belong to this Union. The Union has not established that they are continuously working in the Mill, much less under the Corporation. They are only casual labourers who were engaged now and then by the Contractor whenever there was work in the Mill. Therefore, these workmen, who are designated as 'casual workmen' in the reference itself, cannot claim any relief against the Corporation or the Contractor. The result is all the claims of the Union are disallowed and the Awards are passed in these terms. The claims of the Union are frivolous and devoid of merits and therefore they will have to pay the costs of this proceeding to the Food Corporation of India and the Contractor. Advocate's fee Rs. 250 (two sets).

Dated, this 31st day of January, 1977.

T. N. SINGARAVELU, Presiding Officer

#### WITNESSES EXAMINED

##### For Workmen :

- W.W. 1—Tmy. Thaiyalnayaki Ammal.
- W.W. 2—Thiru R. Muthu.
- W.W. 3—Thiru R. Navaneetham.
- W.W. 4—Thiru S. Pannerselvam.
- W.W. 5—Thiru M. Kunchiah.
- W.W. 6—Thiru P. Ponnumuthu.
- W.W. 7—Thiru K. Chandru.
- W.W. 8—Thiru S. Balasubramanian.
- W.W. 9—Thiru N. Chandran.
- W.W. 10—Thiru M. S. Dhanapal.
- W.W. 11—Thiru T. Balasubramanian.
- W.W. 12—R. Venkatachalam.

##### For Management

- M.W. 1—Thiru A. Sivagnanam.
- M.W. 2—Thiru R. Bhaskaran.
- M.W. 3—K.M.B. Nair.

#### DOCUMENTS MARKED

##### For workmen

- Ex. W-1—Daily Labour wage sheet for the period from 19-10-69 to 25-10-69.
- Ex. W-2 series—Daily Labour Wage sheet for the period from 22-12-69 to 28-12-69 (I & III shifts).
- Ex. W-3 series—Daily Labour Wage sheet for the period from 12-1-70 to 18-1-70 (I & II shifts).
- Ex. W-4/5-1-70—Daily Labour Wage sheet for the period from 29-12-69 to 4-1-70 (I shift).
- Ex. W-5/ —Daily Labour Wage sheet for the period from 1-1-70 to 10-1-70.
- Ex. W-6/28-1-70—Daily Labour Wages sheet for the period from 2-2-70 to 7-2-70 (I shift).
- Ex. W-7/9-2-70—Daily Labour Wage sheet for the period from 2-2-70 to 7-2-70 (I shift).
- Ex. W-8—Daily Labour Wage sheet for the period from 29-3-70 to 31-3-70 and 6-4-70 to 11-4-70.
- Ex. W-9/2-5-70—Daily Labour Wage sheet for the period from 27-4-70 to 2-5-70 (I & II shifts).
- Ex. W-10 series—Daily Labour Wage sheet for the period from 10-5-70 to 16-5-70 (I shift and husk removal).
- Ex. W-11 series—Daily Labour Wage sheet for the period from 28-9-70 to 4-1-70 (I & II shifts).
- Ex. W-12 series—Daily Labour Wage sheet for the period from 19-10-70 to 25-10-70 (5 sheets).
- Ex. W-13 series—Daily Labour Wage sheet for the period from 26-10-70 to 28-10-70 (III shifts).
- Ex. W-14 series—Daily Labour Wage sheet for the period from 26-10-70 to 31-10-70 (I & II shifts).
- Ex. W-15 series—Daily Labour Wage sheet for the period from 5-11-70 to 8-11-70 (I shift).
- Ex. W-16 series—Daily Labour Wage sheet for the period from 9-11-70 to 15-11-70 (II Shift).
- Ex. W-17 series—Daily Labour Wage sheet for the period from 12-7-71 to 16-7-71 (I shift).
- Ex. W-18 series—Daily Labour Wage sheet for the period from 19-7-71 to 25-7-71 (2 sheets).
- Ex. W-19 series—Daily Labour Wage sheet for the period from 16-10-71 to 24-10-71 (II shift).
- Ex. W-20 series—Daily Labour Wage sheet for the period from 24-10-71 to 31-10-71 (I & II shifts).
- Ex. W-21 series—Daily Labour wage sheet for the period from 1-11-71 to 7-11-71 (6 sheets).
- Ex. W-22 series—Shift Roster for casual labour for the week ending 11-4-74 with effect from 9-4-74.
- Ex. W-23 series—Shift Roster for the period from 24-4-74 to 27-4-74.
- Ex. W-24/28-2-75—Notice effecting changes due to power cut.
- Ex. W-25—Payment of wages petition (P.W. No. 28/74) filed by the workers before the Additional Commissioner for Workmen Commission, Madurai.
- Ex. W-26/24-1-75—Counter of the FCI in P.W. No. 28/74.
- Ex. W-27—Duty Card of W.W.2.
- Ex. W-28/ -12-74—Conciliation failure report (copy).
- Ex. W-29/31-1-75—Petition in P.W. No. 28/74 filed by the Union before the Additional Commissioner for Workmen's Compensation, Trichy for production of documents.
- Ex. W-30/4-2-75—Petition filed by the Union before the Labour Officer, Thanjavur for ordering payment of Bonus for the years 1973 and 1974.

- Ex. W-31/14-11-75—Complaint u/s. 33-A of the I.D. Act, 1947 filed by the Union.
- Ex. W-32/4-4-74—Notice of hearing in P.W. Application No. 47/A/73 issued to the parties by the Additional Commissioner for Workmens' Compensation, Madurai.
- Ex. W-33—Tender Notice published by the F.C.I. in the Daily "Dinamani" dated 10-2-1976.
- Ex. W-34/1-7-73—Letter from the Union to the Prime Minister and others regarding the treatment of workers by the F.C.I.
- Ex. W-35/4-5-74—Letter from the Union to the FCI intimating the names of office bearers of the Union for the year 1974.
- Ex. W-36-7-74—Charter of demands and the Strike Notice of the Union.
- Ex. W-37/4-5-74—Letter from the Union to the FCI about the reduction of workers in the Boiler Sections.
- Ex. W-38/29-11-74—Written Statement in M/305(1)/74 filed by the Union before the Assistant Labour Commissioner-1 (Central), Madras.
- Ex. W-39/11-2-75—Letter from the Union to the Ministry of Labour, Government of India submitting the detailed facts of the dispute.
- Ex. W-40—Shift duty Roster for the week ending 11-8-1974.
- Ex. W-41—Notice U/s. 6-A and 18 of the Payment of Wages Act showing the maximum and minimum Wages to the workers in the FCI.
- Ex. W-42—Group Photograph.
- Ex. W-43—Printed pamphlet of 20 Point Programme.
- Ex. W-44/22-1-74—Certificate (conduct and character) issued by the Engineer-in-charge of F.C.I. Modern Rice, Sembanarkoil to W.W.2.
- Ex. W-45 series—20-7-76 Petition for adjournment filed by the FCI before the Additional Commissioner for Workmens' Compensation, Trichy and orders for payment of Rs. 50/- as day's cost. (P. W. Appln. No. 28/74).
- Ex. W-46/28-10-76—Letter from the Union to the FCI for payment of Bonus for 1976.
- Ex. W-47/25-10-76—Letter from the Union to the FCI requesting to treat Saturday on 30-10-76 as weekly Holiday.
- Ex. W-48/25-10-76—Letter from the Union to the FCI regarding irregular payment of wages.
- Ex. W-49/23-10-76—Letter from the Union to the FCI regarding payment of wages for Gandhi Jayanthi day (2-10-76).
- Ex. W-50 series—Certificates of W.W.3.
- Ex. W-51 series—Records in O.S. No. 1/76 on the file of the District Munsif, Sirkali.
- Ex. W-52—Duty of W.W.3.
- Ex. W-53 series—Certificates of W.W.4.
- Ex. W-54 series—Certificates of W.W.5.
- Ex. W-55 series—Certificates of W.W.6.
- Ex. W-56/23-11-73—Conduct and character certificate issued by the Engineer-in-charge of the FCI to W.W.6.
- Ex. W-57 series—Certificates of W.W.7.
- Ex. W-58/12-9-73—Boiler Attendant Certificate of W.W.8.
- Ex. W-59—Duty card of W.W.9.
- Ex. W-60 series—Papers relating to W.W.9 for his termination.
- Ex. W-61/26-9-74—Notice issued by Thiru P. R. Asokan to the FCI about the refusal to allow him to duty.
- Ex. W-62/18-2-75—Counter filed by the FCI before the Labour Officer, Thanjavur against the Petition filed by Thiru S. Ramaswamy.
- Ex. W-63/11-7-75—Notice given by Thiru V. Mahalingam about the refusal of FCI to allow him to duty.
- Ex. W-64 series—Certificates of W.W.9.
- Ex. W-65 series—Certificates of W.W.10.
- Ex. W-66 series—Certificates of W.W.11.
- Ex. W-67 series—Certificates of W.W.12.
- Ex. W-68/26-3-—Conduct and Character certificate issued to W.W.12 by the Junior Engineer (Mech) of the FCI.
- Ex. W-69—Shift Roster for the Casual Labourers for the week ending 11-4-74 (in the File No. M. 305 (17/74) produced by the Assistant Labour Commissioner (C), Madras).
- Ex. W-70/14-7-73—Shift Roster for the Casual Labourers for the week ending 22-7-73 (in the File No. M. 305(1)/74 produced by the Assistant Labour Commissioner (C), Madras).
- Ex. W-71/7-2-73—Certificate issued to Thiru K. Natarajan by the Assistant Engineer (Mech) II, F.C.I. Kumbakonam.
- Ex. W-72/7-2-73—Certificate to Thiru K. Natarajan by the Assistant Engineer (Mech) II, F.C.I. Kumbakonam.
- Ex. W-73/22-1-74—Certificate issued to Thiru K. Natarajan by the Engineer-in-charge, F.C.I. Sembanarkoil.
- Ex. W-74/1-1-74—Certificate issued to Thiru K. Natarajan by the Executive Engineer (Mech) Zonal Office, Madras-6.

#### For Management

- Ex. M-1 series—Statement showing the wages paid to the casual labourers for the period from 15-11-72 to 27-1-73.
- Ex. M-2/21-8-72—Invitation to tender and instructions to tenders for appointment of Contractors at Modern Rice Mill, Sembanarkoil. (copy).
- Ex. M-3 series—Personal File of Thiru K. V. Durai Pandian.
- Ex. M-4 series—do— " M. Thajudeen.
- Ex. M-5 series (2 files)—do— " R. Janakiraman.
- Ex. M-6 series—do— " K. Anandaraj.
- Ex. M-7 series—do— " P. Raghavan.
- Ex. M-8/22-10-74—Order sanctioning the staff members for 4 Units at Thanjavur, Manargudi, Sembanarkoil and Chidambaram (copy).
- Ex. M-9—Attendance Register from October, 1969 to December, 1970.
- Ex. M-10 series—Worksheets from 16-9-75 to 31-10-75.
- Ex. M-11 series—Worksheets dated 8-7-74 and 9-7-74.
- Ex. M-12 series—Worksheets dated 17-4-71 to 26-4-71.
- Ex. M-13—Payment Cash book for the period from 1-4-71 to 30-6-71. (Register).
- Ex. M-14—Payment Cash book for the period from 9-7-74 to 31-7-74 (Register).
- Ex. M-15—Personal File of Thiru R. M. Lingam.
- Ex. M-16—Personal File of Thiru A. Natesan.
- Ex. M-17—Personal File of Thiru M. Natesan.
- Ex. M-18—Personal File of Thiru M. Sethu.
- Ex. M-19—Personal File of Thiru V. Chelluakannu.

- Ex. M-20—Maintenance Report for January, 1970.  
 Ex. M-21—Maintenance Report for February, 1970.  
 Ex. M-22—Maintenance Report for March, 1970.  
 Ex. M-23—Shift Processing Report for February, 1970.  
 Ex. M-24—Shift Processing Report for May, 1970.  
 Ex. M-25—Shift Processing Report for June, 1970.  
 Ex. M-26—Maintenance Report for February, 1971.  
 Ex. M-27—Maintenance Report for September, 1971.  
 Ex. M-28—Shift Processing Report for November, 1971.  
 Ex. M-29—Shift Processing Report for January, 1971.  
 Ex. M-30—Shift Processing Report for February, 1971.  
 Ex. M-31—Shift Processing Report for July, 1971.  
 Ex. M-32—Shift Processing Report for September, 1971.  
 Ex. M-33—Maintenance Report for February, 1972.  
 Ex. M-34—Maintenance Report for March, 1972.  
 Ex. M-35—Maintenance Report for April, 1972.  
 Ex. M-36—Maintenance Report for May, 1972.  
 Ex. M-37—Maintenance Report for June, 1972.  
 Ex. M-38—Maintenance Report for July, 1972.  
 Ex. M-39—Maintenance Report for August, 1972.  
 Ex. M-40—Maintenance Report for September, 1972.  
 Ex. M-41—Maintenance Report for October, 1972.  
 Ex. M-42—Shift Processing Report for August, 1972.  
 Ex. M-43—Shift Processing Report for September, 1972.  
 Ex. M-44—Shift Processing Report for October, 1972.  
 Ex. M-45—Shift Processing Report for October, 1973.  
 Ex. M-46—Shift Processing Report for November & December, 1973.  
 Ex. M-47—Maintenance Report for November, 1974.  
 Ex. M-48—Maintenance Report for December, 1974.  
 Ex. M-49—Shift Processing Report for July, 1974.  
 Ex. M-50—Shift Processing Report for December, 1974.  
 Ex. M-51—Daily Progress Report from 24-7-75 to 1-1-76.  
 Ex. M-52—Layout Plan showing the position of Modern Rice Mill of FCI, Sembanarkoil.  
 Ex. M-53—Personal File of Thiru R. Chandrasekaran.  
 Ex. M-54—Personal File of Thiru D. Kalyanasundaram.  
 Ex. M-55—Personal File of Thiru G. Shanugham.  
 Ex. M-56—Personal File of Thiru S. Ramadoss.  
 Ex. M-57—Personal File of Thiru M. Thiagarajan.  
 Ex. M-58—Personal File of Thiru M. Thiagarajan.  
 Ex. M-59—Personal File of Thiru P. Kaliamoorthy.  
 Ex. M-60—Personal File of Thiru V. Subramanian.  
 Ex. M-61—Personal File of Thiru V. Sundaram.  
 Ex. M-62—Casual Labour Payment Register of the Contractor for the period from 1-4-73 to 15-9-73.  
 Ex. M-63—Casual Labour Payment Register of the Contractor for the period from 15-9-74 to 1-12-74.  
 Ex. M-64—Casual Labour Payment Register of the Contractor for the period from 2-12-74 to 31-5-75.  
 Ex. M-65—Casual Labour Payment Register of the Contractor for the period from 1-6-75 to 30-9-75.

## COURT EXHIBITS

Ex. C-1 Acquittance Roll for Pay and Allowances to Officers and Staff of the Modern Rice Mill of the FCI, Sembanarkoil for the period from April, 1973 to December, 1974.

Ex. C-2—Original Contract agreement between Contractor Thiru Muthuswamy Iyer and FCI, Modern Rice Mill, Sembanarkoil for the period from 20-3-1973 to 19-3-1975 and 20-3-1975 to 19-3-1976.

31st January, 1977.

T. N. SINGARANWELU, Presiding Officer

Note : Parties are directed to take return of their document(s) within six months from the date of the Award.

[No. L-42011(1)/75-D.II(B)]

HARBANS BAHADUR, Desk Officer

New Delhi, the 28th February, 1977

**S.O. 801.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of West Godhur Colliery of Messrs. Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 17th February, 1977.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD**

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

**Reference No. 13 of 1975**

(Ministry's Order No. L-2012/181/73-LR.II, dated, the 5th March, 1975)

**PARTIES :** Employers in relation to the management of West Godhur Colliery of Messrs. Bharat Coking Coal Limited, Post Office, Kasunda, District Dhanbad;

**AND**

**Their Workmen.**

**APPEARANCES :**

For the Employers—Shri T. P. Choudhury, Advocate.

For the Workmen—Shri Lalit Burman, Secretary, Bihar Koyala Mazdoor Sabha, Dhanbad.

**STATE :** Bihar.

**INDUSTRY :** Coal.

Camp : Sasaram, Dated, the 11th February, 1977

**AWARD**

In the West Godhur Colliery of Messrs. Bharat Coking Coal Limited amongst others, there were the following workmen :—

- (1) Gajo Lohar, Fitter Helper,
- (2) Dasarath Shah, Tyndal Mazdoor,
- (3) Firan Bilashpuri, Bhatta Trammer,
- (4) A. K. Jha, Electrical Helper,
- (5) Krishna Deo Prasad Shukla, Electrician,
- (6) Baijnath Dhari, Bhatta Stacker,
- (7) Karmu Das, M. C. Leader,
- (8) Bhagwan Shaw, Timber Mazdoor,
- (9) Sarju Rai, Line Mazdoor,
- (10) Raman Gope, Tyndal Mazdoor,
- (11) Amika Dusadh, Underground Trammer.

- (12) Ram Bilash Shaw, Dresser,
- (13) Sahadeo Ram, M. C. Leader.
- (14) S. N. Banerjee, Store Keeper.
- (15) Ram Swarup Dass, Minor.
- (16) Rajdeo Dass, Minor,
- (17) Ram Chandra Dass, Trammer.
- (18) Mutuk Rai, Line Mistry,
- (19) Baleswar Ram, Stowing Mazdoor, and
- (20) Sitaram Dass.

2. It is said that at about 8-30 a.m. on February 28, 1973, they alongwith others, entered into a conspiracy and formed an unlawful assembly, in front of the West Godhun Colliery office, while armed with lethal weapons, like lathis, bhalas, gandas, brick-bats etc. and preached, incited and abetted others to assault and kill N. S. Modi the Colliery Manager, M. K. Singh, the Colliery Welfare Officer and Lakshmi Narain, the Colliery Safety Officer and in pursuance of that preaching, incitement and abettment, they and others severely assaulted the three said officers and also caused wilful damage to work in progress. A F.I.R. was made by N. S. Modi in respect of this incident to the Manduadih Police Station, the same day. That F.I.R. is Ext. M-2. A chargesheet Ext. M-1 was issued to all these persons, with the exception of Sitaram, on the same date. Six out of these 19 workmen submitted their replies to the charge-sheet and these six are Rajdeo Dass, Dasarath Shah, Baleswar Ram, Ram Skarup Dass, Baijnath Dhari and Amrika Dusadh, Raman Gope, Baleswar Ram, Rajdeo Dass, M-6, M-7 and M-8 respectively.

3. The Police prosecuted all the 20 persons under Section 147, 323 and 241 of the Indian Penal Code. In addition, Gajo Lohar, Dasarath Shah, Firan Bilaspuri and Baijnath Dhari stood further charged under Sec. 325 of the Indian Penal Cod. They were all acquitted by the Sub-Divisional Judicial Magistrate, Dhanbad, by his Judgment Ext. W-1 dated September 3, 1976 on the ground that there was no legal evidence in support of the charges and the prosecution had miserably failed to prove its case beyond "all shadows of reasonable doubts."

4. N. Mukherjee MW-1, the Personnel Officer, Kusunda Sub-Area was appointed the Enquiry Officer. He recorded the statements of N. S. Modi, Lakshmi Narain, Krishnadeo Prasad Yadav, Sukhdeo Jha, Prem Nath Jha, Manohar Kumar Singh, U. K. Jha and Surakcha Singh PWs-1 to 8 on behalf of the management. He also recorded the statements of Krishna Deo Prasad Shukla, S. N. Banerjee, A. K. Jha, Gajo Lohar, Ram Swarup Dass, Dasarath Shah, Amrika Dusadh, Raman Gope, Baleswar Ram, Rajdeo Dass, Rambilash Shaw, Ram Chandra Dass, Sahdeo Ram, Firan Bilaspuri, Sarju Rai, Bhagwan Shah, Baijnath Dhari, Karmu Dass and Mutuk Rai DWs.—to 19 in support of their defence. Out of these, the statements of Gajo Lohar, Baijnath Dhari, Firan Bilaspuri, Ram Swarup Dass, Dasarath Shah, Amrika Dusadh, Baleswar Ram and Rajdeo Dass, the eight workmen involved in this reference, are Ert. M-23, M-24, M-25, M-26, M-27, M-28, M-29 and M-30 respectively.

5. The Enquiry Officer came to the conclusion that A. K. Jha had incited Gajo Lohar to assault; Gajo Lohar had assaulted Lakshmi Narain and M. K. Singh with a lathi; Rajdeo Dass, Dasarath Shah, Ram Swarup Dass and Amrika Dusadh had also assaulted Lakshmi Narain with lathis; Baleswar Ram had caused injuries to Lakshmi Narain by hitting him with a brick-bat; Firan Bilaspuri had hit M. K. Singh with a brick-bat, Baijnath Dhari had assaulted M. K. Singh with a lathi; and the entire crowd, about 60-70 strong, was armed with lathis, pick-axes and brick-bats. He had also held that none of the 19 workmen had been able to prove his innocence. Finally, he took the view that all of them had committed the misconducts specified in Standing Orders No. 17(1)(a), 17(1)(i), 19(1)(q), 17(1)(r), 17(1)(t) and 17(1)(u). His enquiry report is Ext. M-31 dated April 24, 1973.

6. This report was submitted by N. Mukherjee, the Enquiry Officer, to A. K. Chatterjee, the Sub-Area Manager. On perusal of the report, A. K. Chatterjee gave the opinion Ext. M-32 on May 3, 1973 that it was conclusively established that Gajo Lohar, Amrika Dusadh, Baleswar Ram,

Firan Bilaspuri and Baijnath Dhari had directly assaulted N. S. Modi, M. K. Singh and Lakshmi Narain and they should be dismissed; that Bhagwan Shah, Karmu Dass, Ram Bilas, S. N. Banerjee, A. K. Jha, K. D. Shukla, Mutuk Rai, Dasarath Shah, Ram Swarup Dass and Rajdeo Dass were not directly involved in assaulting the said officers and their misconducts lay in forming an unlawful assembly and taking active part in the incident and, therefore, they deserved suspension for 10 days each; that A. K. Jha had played the important role in incitement and should, in addition, be warned that in case of a future misconduct, he was liable to dismissal from service; and that though Sarju Rai, Sahdeo Ram, Ram Chandra Dass and Raman Gope had also been chargesheeted, they were not named by prosecution witnesses in their statements and they were, therefore, liable to be acquitted. A. K. Chatterjee's report was placed before the Senior Personnel and Industrial Relations Officer. His opinion is contained in Ext. M-33 dated May 4, 1973. He partly agreed and partly disagreed with the assessment made by A. K. Chatterjee and stated that Gajo Lohar, Amrika Dusadh, Baleswar Ram, Firan Bilaspuri, Baijnath Dhari, Dasarath Shah, Ram Swarup Dass and Raj Deo Dass had physically assaulted N. S. Modi, M. K. Singh and Lakshmi Narain; that A. K. Jha and S. N. Banerjee had incited, preached and abetted the assault; that K. D. Shukla had also abetted the assault; that Bhagwan Shah, Karmu Das, Ram Bilash, Mutuk Rai and the others had all formed an unlawful assembly; that Sarju Rai, Sahdeo Dass, Ram Chander Dass and Raman Gope had not taken any part and should be acquitted; that Bhagwan Shaw, Karmu Dass, Ram Bilas and Mutuk Rai should each be suspended for 10 days; that A. K. Jha, S. N. Banerjee and K. D. Shukla may also be suspended for 10 days each and should further be given a warning that if they repeated such a mis-conduct of preaching, inciting and abetting in future, they were liable to dismissal. The General Manager directed the Chief Industrial Relations and Personnel Officer to examine the proceedings of the domestic enquiry and give his own opinion. The Chief Industrial Relations and Personnel Officer directed the Assistant Personnel Manager on May 16, 1973 to look into the matter. The Assistant Personnel Manager submitted his report on June 5, 1973 expressing his agreement with the report of the Senior Personnel and Industrial Relations Officer. The General Manager, by his order Ext. M-34 dated June 8, 1973 approved the report and ordered orders to be issued in accordance with the report of the Senior Personnel and Industrial Relations Officer. In accordance with the General Manager's order, 8 persons were dismissed from service with effect from June 30, 1973 and these 8 are Firan Bilaspuri Gajo Lohar, Baijnath Dhari, Baleswar Rao, Amrika Dusadh, Ram Swarup Das, Dasarath Shaw and Rajdeo Das.

7. The General Secretary, Bihar Koyla Mazdoor Sabha raised an industrial dispute and approached the Asstt. Labour Commissioner (Central) for conciliation. The conciliation proceedings ended in failure and the Assistant Labour Commissioner submitted his failure report on November 30, 1973.

8. The Central Government, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of West Godhur Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad, in dismissing from service with effect from 30-6-1973, the following workmen is justified? If not to what relief is the workmen entitled and from which date.

Sl. No	Name of the workmen	
1	Sri Firan Bilaspuri	Bhatta Trammer.
2	Sri Gajo Lohar	Fitter Helper.
3.	Sri Baijnath Dhari	Bhatta Stacker.
4.	Sri Buleswar Rao	Stewing Mazdoor.
5.	Sri Amrika Dusadh	U. G. Trammer.
6.	Sri Ramsarup Das	Miner.
7.	Sri Dasarath Shaw	Tyndal.
8.	Sri Rajdeo Das	Miner "

9. Usual notices were issued inviting the parties to file their respective written statements and in compliance with that, Sri Lalit Burman, Secretary of the United Coal Workers' Union (in which the Bihar Koyala Mazdoor Sabha has merged) filed the written statement on behalf of the workmen on May 7, 1976 and the Bharat Coking Coal Limited filed their written statement on May 14, 1976.

10. The case of the workmen is that some assault on some officers did take place on the morning of February 28, 1973 but for that they are not to blame because they were neither present at the incident nor took any part therein and had been falsely implicated because they were active members of their union. They have further pleaded that the witnesses examined by the management in the domestic enquiry were members of the rival union and were mere stooges of the management. It has then been pleaded that enquiry was neither fair nor proper and the workmen have been victimised on a concocted charge on the basis of concocted evidence. Hence, they have prayed for their reinstatement with continuity of service and with full back wages and other monetary benefits.

11. The Bharat Coking Coal Limited has alleged that these eight workmen and many others mobilised a mob armed to the teeth, on the morning of February 28, 1973 and assaulted N. S. Modi, M. K. Singh and Lakshmi Narain in such a brutal manner that they had to be hospitalised for treatment. It has then been alleged that proper chargesheets were issued; six out of the eight delinquents submitted their replies to the chargesheets, these replies were not considered satisfactory; a fair and proper domestic enquiry was held; management witnesses were examined in their presence; they were allowed full opportunity to cross-examine them; that they gave their own statements in defence; that the rules of natural justice were fully and faithfully observed; that the misconducts proved were very grave and serious and there were no extenuating circumstances enabling the management to take a lenient view; that the punishment of dismissal was fully merited and deserved; and the workmen are not entitled to any relief.

12. Shri T. P. Choudhury, the learned counsel for Bharat Coking Coal Limited, urged in the first instance that it be tried as a preliminary matter as to whether the domestic enquiry was fair and proper, a right which was open to him under the law. Both parties were heard with regard to this preliminary matter on October 28, 1976 and by a separate order, it was held on December 9, 1976 that the domestic enquiry was not fair and proper as it was conducted in flagrant violation of the principles of natural justice.

13. The management then examined Nagin Singh Modi, the Colliery Manager, Lakshmi Narain, the Safety Officer, N. K. Singh, the Welfare Officer, Uma Kant Jha, Personnel Officer and Sukdeo Jha, Attendance Clerk as MWs. 2, 3, 4, 5 and 6. The workmen examined Firan Bilaspuri, Baleswar Ram, Baijnath Dhari and Jago Lohar as WWs. 1, 2, 3 and 4.

14. Before dealing with other matters, I think it expedient to deal with a short question of law. Sri Lalit Burman argued that the charge in the domestic enquiry was the subject-matter of a trial also in a competent criminal Court and after the acquittal of the workmen by that Court on September 3, 1976 by the Judgment Ext. W-1, it is no longer open to this Tribunal to take a different view. The decision of Their Lordships of the Supreme Court in *Delhi Cloth and General Mills Ltd. vs. Kushal Bhan*, 1960 (1) L.J. 520 shows that the fact that the Criminal Court acquits the employee after the domestic proceedings were completed, does not mean that the order of the Tribunal on the basis that the employee was guilty of the departmental delinquency complained of is liable to be set aside. In *J. K. Cotton Spinning and Weaving Company Ltd. vs. Its Workmen* 1965 (II) L.J. 153, the employee was dismissed, having been found guilty of the charge of theft levelled against him. The enquiry was conducted after the concerned workman was convicted of the offence of theft by a criminal Court. The concerned workman refused to participate in the domestic enquiry and it was conducted ex parte and the enquiry officer after considering the evidence on record before him, found concerned workman guilty of the charge levelled against him. Subsequently the worker was acquitted in appeal. The Industrial Tribunal held that the domestic enquiry was based for the conviction of the workman by the Criminal Court which was set aside in appeal and hence no value could be attached to the finding arrived at the enquiry. The Supreme Court held that there was nothing in the report of the enquiry officer

to show that he was influenced by the conviction of the workman by the criminal court and upheld the dismissal. It is, therefore, obvious that the fact that the worker was, after the domestic enquiry, acquitted by the criminal Court or even by criminal appellate Court would not in any way vitiate the findings arrived at by a domestic tribunal earlier on proper evidence and without violating any of the principles of natural justice. See also *Anglo-American Direct Tea Trading Co. vs. Labour Court*, 1970 (1) L.J. 481. The ratio of this case is fully applicable to the instant case also. It is immaterial that the domestic enquiry, in the instant case, was not fair and proper. However, the management had the legal right to lead evidence in proof of the charge and that evidence has been led before the Tribunal. The workmen have also led evidence to prove that they had not committed any misconduct. It is open to the Tribunal to assess the material on the record and come to its independent conclusion, as to whether the charge is established or not, irrespective of the acquittal ordered by the Criminal Court.

15. I have mentioned above that the misconducts alleged to have been committed were under Standing Orders Nos. 17(1)(a); 17(1)(i); 17(1)(q); 17(1)(r); 17(1)(t) and 17(1)(u). The Enquiry Officer had found that all these misconducts were committed by all the 19 delinquents. Under Standing order No. 17(1)(a), theft, fraud, or dishonesty in connection with the employer's business or property is a misconduct. The charge is fairly lengthy but there is no mention of any theft or any fraud or any dishonesty in connection with the employer's business or property. That part of the charge was, therefore, wholly unfounded and Sri N. Mukherjee appears to have acted on the basis of bias. Under Standing Order No. 17(1)(g), any breach of the Mines Act or any other Act or any rules, regulations or bye-laws thereunder or of any Standing Orders is a misconduct. The charge does not specify which section of the Mines Act or of any other Act or which rule or regulation or bye-laws was transgressed and, therefore, this part of the charge also had no leg to stand upon. Under Standing Order No. 17(1)(i) causing wilful damage to work in progress or to property of the employer is a misconduct. A charge is framed and served on a delinquent to give him ample notice of the exact indictment which he has to meet. The charge merely mentions that the workmen had caused "wilful damage to work in progress". It has merely lifted these words from the Standing Order and incorporated them in the charge but no indication was given as to what work was, in progress, what damage was caused to that work in progress, and in what manner it was wilful. N. S. Modi deposed that the first shift was to start at 8 a.m. but till 9 a.m. no workman had taken his cap lamp from the Cap-lamp Room in order to be able to go underground to undertake mining operations. This was his statement in the domestic enquiry which has been held to be unfair because of the violation of the principles of natural justice. He did not depose about it in the Tribunal. Sukdeo Jha deposed in the domestic enquiry that the first shift actually started at 10 a.m. In the Tribunal, he deposed that apprehending that a 'Jhugra' was likely to take place, he left his duty of issuing cap lamps in the Cap lamp Room and ran away from his place of duty and started issuing cap lamps only at 10 a.m. It is obvious, therefore, that if the shift started late, it was partly, or even mainly, due to the fact that the Attendance Clerk was not at his place of duty to issue Cap Lamps. It is well-known that the Attendance Clerk in the Cap Lamp Room in a colliery has to maintain two registers, namely, Register C and a Cap-Lamp Issue and Return Register. When one shift ends and another starts, a crowd collects near the cap lamp room. It is mandatory under the law that no one can go belowground unless his name is entered in Register C and unless a Cap Lamp is issued to him and an entry to that effect is made in the Cap-lamp Register. Similarly, when an underground worker finishes his duty and comes to the surface, he has to return the cap lamp so that this may be issued to one going underground. It is also well-known, and is indeed, admitted that the time of issue and the time of return are both noted in the Cap Lamp Register. The management was asked to produce these two registers and promises were made to produce them but they were never produced. Oral evidence was given by Sukdeo Jha that the shift started at 10 a.m. but the authentic documents were never produced. It appears to me that this part of the charges were added in a wanton manner like the other two parts stated above. I am of the view that there is no evidence to support this part of the charge. Under Standing Order No. 17(1)(u), the punishing authority had found that only A. K. Jha, S. N. Banerjee and K. D. Shukla had preached, incited and abetted the assault. Standing Order No. 17(1)(u)

provides that abetment or attempt of any abetment of any misconduct is itself a misconduct. The eight delinquents before me had not been found guilty under this Standing Order by the General Manager and, therefore, I need not go into this part of the charge. Standing Order No. 17(1)(t) says that preaching of or inciting to violence is misconduct. But none of the eight delinquents before me were found guilty of this part of the charge by the General Manager and, therefore, I need not touch that also. Standing Order No. 17(1)(r) says that threatening, abusing or assaulting any superior is a misconduct. The eight delinquents have been dismissed on this court and I have to survey the evidence in this respect.

16. The evidence given by the eight prosecution witnesses in the domestic enquiry is not very helpful. Their evidence was recorded in blatant disregard of the principles of natural justice, as has been held in my previous order. In the case of some of the workmen, chargesheets were served on March 30, or March 31, 1973 but several witnesses had already been examined on March 22, 1973. At least two of them were not even able to submit their replies to the chargesheet before the enquiry was closed. They could not exercise their right of cross-examination effectively. It is not safe, therefore, to rely upon that evidence where it favours the management, though it is material on the record and it is open to me to rely on such part which favours the workmen and specially so because that evidence comes from the mouth of the witnesses of the management.

17. I am of the view that good industrial relations demand that the employer should unfold the entire story, including the back-ground or the cause which leads to an incident so that the Tribunal is in a better position to judge the whole matter in the proper and correct prospective. Where this is lacking, it does not redound to the credit of the employer and particularly so where there is either concealment or exaggeration.

18. I would like to find out as to what was the cause which created this ugly situation. N. S. Modi MW-2, the Colliery Manager, did not say a word about it in his examination-in-chief.

In cross-examination, he first gave an evasive answer by saying that he questioned the crowd as to why it had collected but it gave no satisfactory reply. On further probing, he deposed that an hour or two before the incident, some workmen were found taking out bricks from an engine foundation in disuse and he had directed the Security Staff to stop those workmen from taking any bricks from the abandoned foundation as he thought that it may be of some use in future. Asked as to why the workmen were taking out the bricks, he expressed ignorance. He conceded that it was not an act of wanton vandalism but still he does not know as to what was the need of the workmen for the bricks. Lakshmi Narain MW-3, the Safety Officer, was more honest. He stated that the colliery was not in a position to supply residential quarters to each of its workmen. The workmen were demanding from time to time that they should be provided with quarters. He does not know if the demand was for quarters to be constructed or to be taken on rent. He does not know if the taking out of the bricks was the real cause of the incident. Indeed, he does not know as to what was the cause which led to the incident. In the domestic enquiry, he had stated that the Security Staff had arrested the delinquent Rajdeo Dass for taking the bricks. It is obvious therefore, that he is now concealing the fact as to what was the proximate cause for the incident. Krishna Deo Prasad Yadav had been examined in the domestic enquiry as PW-4 but he was not examined in the Tribunal. He had stated in the domestic enquiry that a crowd of workmen had surrounded the Security Staff in front of the canteen situate at a distance of about 60 yards from the office building. S. N. Banerjee, the Store Keeper, had pacified the crowd and had brought it in front of the office building. N. S. Modi, Lakshmi Narain and M. K. Singh also came there. They also attempted to pacify the crowd by saying that the security force had done wrong by beating some workmen for taking the bricks, and they would take up this matter with the Security Staff. A. K. Jha, the Electric Helper, however, said that these officers would do nothing to the Security Staff and the person at the root of the trouble was N. S. Modi himself. U. K. Jha had further deposed in the domestic enquiry that he had also attempted to persuade the crowd to the disperse

by emphasizing upon it that he would intervene and find a solution to the trouble. Manohar Kumar Singh stated as PW-3 in the domestic enquiry that while he was sitting in his office room, A. K. Jha had gone to him there in a very angry mood and had said that great injustice had been done by the Security Staff to the workmen and he was determined to take revenge for that. He had also stated that when he had attempted to calm him down, A. K. Jha had said that the wheels of machinery would remain jammed and work will come to a stand-still. M. K. Singh deposed as MW-4 in the Tribunal and has repeated the same statement and has further stated that A. K. Jha had told him that the Security Staff had beaten one of them and there was deep resentment for that. U. K. Jha deposed as PW-7 in the domestic enquiry and stated that a tussle had taken place between the Security Staff and some workmen and that was the reason why they had gheraoed N. S. Modi. Ext. M-22 is the statement of S. N. Banerjee in the domestic enquiry. He had deposed there that the Security force had found Ram Swarup Das and Rajdeo Dass taking bricks and had given 2-3 danda blows to Ram Swarup Das even though the bricks were being taken for construction of their temporary hutment in the colliery. He had also deposed that N. S. Modi was surrounded and was being asked to take action against the Security staff. Ext. M-26 is the statement of Ram Swarup Das in the domestic enquiry. He had deposed that he had made an application to the colliery manager for the allotment of a quarter. Many other workmen had also done the same. The manager had ordered them to put up temporary structures for which the colliery will supply bricks, bamboos and thatching material. Many workmen were thus making their hutments and some had even thatched them up. He decided to make one for himself also and started carrying bricks at about 6 a.m. on that date but the Security Guard came and took him to N. S. Modi and N. S. Modi ordered the Security Staff to thrash him and he was accordingly beaten. He also stated that N. S. Modi also gave him a few blows. Ext. M-30 is the statement of Rajdeo Das. He had stated that he was also carrying bricks and was taken by the Security Guard to N. S. Modi who had given him a few blows. It may be that these workmen have not told the truth that they were given a few danda blows by N. S. Modi also but I have no doubt in my mind that Ram Swarup Das and Rajdeo Das were taking out some bricks from the abandoned site of the engine-foundation not with any dishonest motive of theft but for their bonafide need of putting up four walls and thatching them for shelter for themselves and their family members against the rigors of weather and climate. Perhaps they honestly believed that as employees of the colliery they had a right to do so, though, legally speaking, they had no such right. Had N. S. Modi shown some tact and good administrative capability, the incident might not have taken place. However, he allowed the Security Guard to beat these two workmen and that caused resentment in them and also flared up other workmen to side with them. N. S. Modi has chosen not to tell the truth even though he holds a high position. His statement that he had to question the crowd as to why it had collected, is extremely unreliable. He knew the reason. Equally his statement that the crowd was unable to give a satisfactory reply is again unconvincing. He had to admit that a row had taken place regarding taking of bricks. He admits that the bricks were not being taken by way of theft. I am not prepared to believe him when he says that he does not know the reason why the bricks were being taken. I am of the view that the incident took place because of the earlier incident, two hours earlier.

19. Now, a few words about the crowd. The crowd was about 60-70 strong. N. S. Modi has deposed that all of them were sisters who had constituted themselves into an unlawful assembly. This is too high a claim. Out of these 60-70, he ignored 40-50 altogether both in the matter of prosecution and domestic enquiry. He selected 20 for the prosecution and only 19 for the domestic inquiry. The enquiry officer found all the 19 guilty of all the misconducts charged. The higher authority, however, found that 4 out of these 19 had taken no part whatsoever in the incident. Who then were the other members of the crowd? Under the law, those who have to work underground cannot go there unless two things happen, namely, entry of their names in Register C and entry of their names in the Cap Lamp Issue and Return Register. No one can go underground without a Cap Lamp, that is a mandatory

statutory requirement. The time of issue and the time of return of a Cap Lamp is entered in the Cap Lamp Register. The mine is worked in three shifts from 8 A.M. to P.M., from 4 P.M. to midnight and from midnight to 8 A.M. Whenever a shift commences and the previous one ends, those working underground come from underground to the surface to return their individual cap lamps and those in the queue for going underground collect for the issue of cap lamps. Thus those going in and those coming out both collect practically at the same time. These facts are admitted by N.S. Modi and by Sukdeo Jha, the cap lamp room clerk. Modi has stated that a crowd does not collect but he has again chosen not to tell the truth here. His clerk is more honest and says that about 100 persons collect, for issue or for return. That is the peak time. The crowd of 60-70 must have contained the majority of such people because the Cap Lamp Room is hardly 3 yards from the place where the incident took place. But certainly it contained a few others who were out for mischief. Nine others had been punished as the result of the domestic enquiry but their cases are not the subject-matter of this reference.

20. The case of the Bharat Coking Coal Limited is that three officers were assaulted, namely, N. S. Modi, the Colliery Manager; Lakshmi Narain, the Safety Officer; and Manohar Kumar Singh, the Welfare Officer.

21. Sukdeo Jha MW-6 was the Cap Lamp Attendance Clerk. He was present in the Cap Lamp Room and apprehending trouble, left the room and went behind the office building and did not see any part of the incident. U. K. Jha MW-5 is the Sub-Area Personnel Officer who happened to be present on the first floor of the office building in the colliery on official business. On hearing shouts, he came down and saw N. S. Modi surrounded by the crowd. He did not stay and went to the road to take his jeep and drive back to the Sub-Area office. He did not know any of the workmen from before and, therefore, has not named any. I have no doubt in my mind that persons who had surrounded N. S. Modi certainly included the eight delinquents. N. S. Modi has named Ram Swarup Dass, Majdeo Das, Dasarath Shaw, Amrika Dusadh and Gajo Lohar whom he was able to spot in the crowd. Lakshmi Narain had spotted Dasarath Shaw, Gajo Lohar, Rajdeo Das, Ram Swarup Dass, Amrika Dusadh and Baleswar Ram. M. K. Singh had spotted Firan Bilaspuri, Gajo and Baijnath Dhari. I believe their statements that these eight delinquents were in the unlawful assembly and had gharaoed N. S. Modi and had thus committed the misconduct mentioned in Standing Order No. 17(1)(r).

22. I will now take up the case of assault that is to say, causing injuries by physical violence. N. S. Modi stated that seeing the menacing attitude of the mob, he ran for safety to the Cap Lamp Room but was chased by Dasarath Shaw and Amrika Dusadh. Before that, however, some one had shouted in the crowd that he should be beaten, and upon that incitement Gajo Lohar had raised his lathi but it had been stopped by Lakshmi Narain. He succeeded in entering the Cap Lamp Room but there Amrika Dusadh gave him a lathi blow on his hand. I have given anxious consideration to his evidence but except for the fact that he was gharaoed by the eight delinquents I am not prepared to accept his evidence with regard to other matters. He stated that he had received one lathi blow on his upper arm, a second lathi blow on his back and a third lathi blow on his waist while he was in the process of running from the crowd into the Lamp Room. He further states that inside the lamp room; he received a fourth lathi blow on his lower arm. His cross-examination shows that he has not told the truth with regard to these facts. He admitted that he had not mentioned in F.I.R. that he had received any lathi blow whatsoever; nor had he mentioned that Dasarath Shaw and Amrika Dusadh had gone in pursuit of him; and nor the fact that Amrika Dusadh had given him any lathi blow. He explained these omissions, and gave once at that, by saying that these were not important matters. I fail to see what would be important, viz., the fact of being gharaoed or the fact of a brutal beating. He went to Loyabad Centenary Hospital for medical treatment. He has stated that he had a scratch on his finger and contusions on several parts of his body but surprisingly enough, no injury report was prepared. He was advised for x-ray and he was actually x-rayed. Was that done verbally or in writing? He says that the x-ray report is lying at his house but in order to prove the charge of physical violence to him, he never cared to file that x-ray report. He admits that his name was not entered in the hospital register. He further admits that no hospital record will establish that he had even visited

the hospital. Lakshmi Narain has stated that he had not seen any workman giving any blow to N. S. Modi. It is obvious to me that N. S. Modi did not receive even a scratch of his body and has chosen not to tell the truth. Lakshmi Narain MW-3 has deposed that Gajo Lohar caused a lacerated wound on the web between two of his fingers; and Rajdeo Dass and Ram Swarup Dass gave a lathi blow each on his back; and Baleswar Ram hit him on his thigh by a brick-bat. Ext. M-35 is the discharge certificate issued to him on March 5, 1973 which shows that he had multiple injuries and had also a lacerated wound. M. K. Singh has deposed that Firan Bilaspuri injured him by a brick-bat and Gajo Lohar and Baijnath Dhari gave him a lathi blow each. Ext. M-36 is his discharge certificate dated March 5, 1973. It mentions that he had multiple injuries and there was a suspected fracture of the right side metacarpal. The fracture was plastered and the plaster was removed on March 27. I see no reason to disbelieve these two witnesses about the injuries received by them.

23. The above discussion will show that out of the eight delinquents no physical violence was directly done by Amrika Dusadh and Dasarath Shah. The General Manager had classified the 15 found guilty into three categories, namely, those who had merely preached, incited and abetted, those who had only gharaoed and had not directly caused any injury, and those who had directly caused injuries. The order of dismissal was imposed on those who had caused injuries and those who had only surrounded were suspended for a period of 10 days each. That was a rational and intelligible classification and punishment was measured with the gravity. I find no fault with such classification. I am, therefore, of the view that the dismissal of Firan Bilaspuri, Gajo Lohar, Baijnath Dhari, Baleswar Rao, Ram Swarup Das and Rajdeo Das was justified. No workmen can be allowed to pick up a lathi or a missile and beat his superior officers. The other two, namely, Amrika Dusadh and Dasarath Shah do not, however, deserve this serious punishment. They are in the same boat as others who were not punished with dismissal. I think their suspension for 10 days will be sufficient.

24. Before, however, I give my award I would like to judge the evidence given on behalf of the workmen. They have all entered the plea of alibi. Gajo Lohar was examined as WW-4. He stated that he had received an injury in his finger by friction against haulage rope and the colliery had referred his case to the Central Hospital. Because of that injury, he was given light duty in the switch room from mid-night of 27-2-1973 to 8 a.m. on 28-2-73 and directly after his duty hour was over, he went away to his residence some 4 miles away from the colliery and was not present in the crowd and did not take any part in the incident. He admitted that he absconded from February 28 to March 26 and surrendered in Court on the last date aforementioned. He further admitted that he has no enmity with any of those officers. Baijnath Dhari deposed as WW-3. He stated that he was also on duty from mid-night of 27-2-73 to 8 a.m. of 28-2-1973. He stated that he deposited his cap lamp after his duty hours were over and then returned to his quarters. He left his quarters at 9 a.m. for Dhanbad to seat his father in the Sealdah Express for Asansol. He also denied his presence in the incident. He was arrested by the Police at about 4 p.m. on 28-2-73. Firan Bilaspuri was examined as WW-1. He stated that he resides at Dharia Jaha at a distance of a mile from the colliery. He works in the Hard Coke Oven Plant and his shift was from 9 a.m. to 5 p.m. He reached the colliery at 9 a.m. and by that time the incident had already taken place. He denied any part in the incident. Baleswar Ram was examined as WW-2. His evidence is to the effect that he was on 15 days leave which expired on February 27. He went to the office building about 10 or 11 a.m. on February 28 to obtain his joining slip. The clerk Raja Ram, however asked him to come for the slip at 4 p.m. as N. S. Modi was not present and when he came in the office for the second time at 4 p.m., he was arrested by the Police. He has no enmity with any officer and he is unable to give any reason why he has been falsely implicated. It is apparent that these workmen would not admit their hand in the incident. No enmity has been established between them and the witnesses. It may be that they are members of the C.P.I. led trade union but the majority of the workmen are members of that trade union. There is no reason why they should have been picked up for victimisation unless they had committed the mischief with which they were charged. I discard their evidence.

25. My award is that the action of the management of West Godhur Colliery of Messrs Bharat Coking Coal Limited in



dismissing from service Firan Bilaspuri, Gajo Lohar Baijnath Dhari, Baleswar Rao, Ram Swarup Das and Rajdeo Das is justified and they are not entitled to any relief. The action of the management, however, in dismissing Amrika Dnsadh and Dasarath Shaw was not justified. They were guilty of Standing Order No. 17(1)(r) but in their case the punishment of dismissal is too harsh and disproportionate to their conduct and I think that the ends of justice would be met by ordering their suspension for a period of 10 days. They shall be reinstated with effect from June 30, 1973 and placed under suspension for 10 days. There will be continuity of service, however, and they will be entitled to full back wages after the expiry of the period of suspension.

K. B. SRIVASTAVA, Presiding Officer.

[No. L-2012/181/73-I.RII/DIIIA]

S. H. S. IYER, Desk Officer.

New Delhi, the 2nd March, 1977

**S.O. 802.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Madras, in the industrial dispute between the employers in relations to the management of Messrs Dalmia Magnesite Corporation, Salem-5 and their workmen, which was received by the Central Government on the 19th February, 1977.

BEFORE THIRU T. N. SINGARAVELU, B.A., B.L.,

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,

MADRAS

(Constituted by the Central Government)

#### Industrial Dispute No. 7 of 1976

(In the matter of the dispute between the workmen and the Management of Messrs. Dalmia Magnesite Corporation,

Salem-5.)

BETWEEN

The workmen, represented by

The General Secretary,

Salem District Magnesite Labour Union,

Suramangalam, Salem-5.

AND

The Management of M/s Dalmia Magnesite Corporation, Salem-5.

#### REFERENCE:

Order No. L. 29011/110/75-DII(B), dated 29-1-1976 of the Ministry of Labour, Government of India.

This dispute coming on this day for hearing upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvallalgar Row and Reddy and T. Bhaskar Reddy, advocates for the workmen and of Thiru B. Giridhara Rao for King and Partridge, advocates for the Management and the parties having filed a Memorandum of Settlement and recording the same this Tribunal made the following.

#### AWARD

The Government of India, have in their Order No. L. 29011/110/75-D. III(B), dated 29-1-1976, Ministry of Labour, referred a dispute to this Tribunal for adjudication on the following matters:

Whether the management of Messrs Dalmia Magnesite Corporation, Salem-5, is justified in terminating the services of Shri C. Mayilvelan, Mazdoor, with effect from 26-4-75? If not, to what relief is the said workman entitled?

2. The parties were served with summons.

3. The workman filed a claim statement through the Union on 8-4-1976 setting out his claims. The Management, in repudiation thereof, filed a counter statement on 16-9-1976. In reply to the counter statement, the workman filed a further statement on 17-1-1977. On 28-1-1977, Exs. W-1 to W-10 and M-1 to M-11 were marked by the respective parties. Then the dispute was adjourned for recording oral evidence to 4-2-1977.

4. Today, when the dispute was taken up, the counsel for both sides filed a Memorandum of Settlement settling the dispute and prayed that an award may be passed in terms thereof.

5. I perused the settlement and I find that the settlement is just, fair and reasonable. Hence I recorded the settlement.

6. In view of the above, I pass an award in terms of the settlement, which will form an annexure to this award. No costs.

Dated, this 4th day of February, 1977.

T. N. SINGARAVELU, Presiding Officer.

#### WITNESSES EXAMINED

For both sides.—Nil.

#### DOCUMENTS MARKED

For workmen:

Ex. W-1/26/4/75.—Termination Order issued to Thiru C. Mayilvelan. (copy).

Ex. W-2/10/5/75.—Letter from the Union to the Regional Labour Commissioner (C), Madras for Conciliation. (copy).

Ex. W-3/21/5/75.—Reply from the Assistant Labour Commissioner (C)-1, Madras to Ex. W-2. (copy).

Ex. W-4/23-5-75.—Letter from the Union to the Assistant Labour Commissioner (C), Madras requesting for conciliation. (copy).

Ex. W-5.—Letter from the Union to the Assistant Labour Commissioner (C), Madras requesting for conciliation. 12-7-75. (copy).

Ex. W-6/29-7-75.—Letter from the Union to the Regional Labour Commissioner (C), Madras for taking up conciliation. (copy).

Ex. W-7/29-7-75.—Letter from the Regional Labour Commissioner (C) Madras to the parties requesting to attend the discussion. (copy).

Ex. W-8/22-8-75.—Conciliation failure report (copy).

Ex. W-9/26-8-75.—Letter from the Central Government to the parties intimating the receipt of the Conciliation Report (copy).

Ex. W-10/25-12-75.—Letter from the Union to the Central Government requesting for reference.

For Management

Ex. M-1/3-7-74.—Termination Order issued to Thiru C. Mayilvelan.

Ex. M-2/5-9-74.—Application of Thiru C. Mayilvelan for appointment.

Ex. M-3/5-9-74.—Appointment order issued to Thiru C. Mayilvelan.

Ex. M-4/5-9-74.—Application for appointment by Thiru C. Mayilvelan.

Ex. M-5/30-1-75.—Charge sheet issued to Thiru C. Mayilvelan.

Ex. M-6/30-1-75.—Reply of Thiru C. Mayilvelan to Ex. M-5.

Ex. M-7/31-3-75.—Notice of enquiry issued to Thiru C. Mayilvelan.



Ex. M-8—Enquiry Proceedings.

Ex. M-9/17-4-75—Enquiry Report.

Ex. M-10/26-4-75—Termination Order issued to Thiru C. Mayilvelan.

Ex. M-11/10-5-75—Letter from the Union to the Regional Labour Commissioner (C), Madras for taking up conciliation.

T. N. SINGARAVELU, Presiding Officer

#### ANNEXURE

#### MEMORANDUM OF SETTLEMENT REACHED UNDER SECTION 18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947

Representing Management—Dalmia Magnesite Corporation by its Manager, Shri K. Srinivasan.

Representing Workman—The workman himself is representing—Shri C. Mayilvelan S/o Shri Chinna-thambi Sithanoor Talavaipatti P.O. SALEM : 636005.

#### SHORT RECITAL OF THE CASE

Whereas the workman's services were terminated with effect from 26-4-1975.

And whereas the workman raised an industrial dispute with regard to his non-employment and as no settlement could be reached in conciliation the matter was referred to the Industrial Tribunal, Madras by the appropriate Government.

And whereas the said dispute has been taken on the file of the Tribunal as I.D. No. 7 of 1976.

And whereas during the pendency of the settlement the workman approached the Management and expressed his desire to settle the matter outside Court by payment of monetary compensation.

And whereas the workman and the Management's representative held discussions with regard to the quantum of compensation payable to the workman and as a result thereof the parties have reached an agreement on the following terms :

1. The workman hereby agrees that the Order of Termination will stand.
2. The Management agrees to pay Shri C. Mayilvelan an ex-gratia payment of Rs. 2,500 (Rupees Two thousand and five hundred only) in full and final payment of all his claims, including his claim for reinstatement in I.D. No. 7 of 1976.
3. It is agreed that payment due under clause 2 will be paid on 2-2-1977.
4. In view of the settlement the workman withdraws his claim in I.D. No. 7 of 1976.
5. It is agreed that both the parties will file a joint affidavit praying the Hon'ble Presiding Officer of the Industrial Tribunal, Madras to pass an Award in I.D. No. 7 of 1976 accordingly.

Dated at Salem this second day of February, 1977.

Sd/- C. Mayilvelan.

2-2-77.

WORKMAN

Witnesses :

1. Sd/- .....
2. Sd/- .....
3. Sd/- .....
4. Sd/- .....

Sd/- .....

for M/s. Row & Reddy

Counsel for Petitioner.

4-2-77

Sd/- .....

2-2-77

MANAGEMENT

Witnesses :

1. Sd/- .....
2. Sd/- .....
3. Sd/- .....
4. Sd/- .....

Sd/- B. Giri Dhara Rao

for King & Partridge,

Advocates for Management.

4-2-77

T. N. SINGARAVELU, Presiding Officer

Note:—Parties are directed to take return of their document/s within six months from the date of the Award.

[No. L-29011/110/75-DIII B]

V. VELAYUDHAN, Under Secy.

#### विधि, न्याय और कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

आदेश

नई दिल्ली, 4 मार्च, 1977

कां० अ० 803.—केन्द्रीय सरकार की राय है कि लोक हित में ऐसा करना आवश्यक और समीचीन है :

अतः अब, एकाधिकारी तथा अवरोधक व्यापारिक व्यवहार नियम, 1970 के नियम 5 के उप-नियम (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के विधि, न्याय और कम्पनी कार्य मंत्रालय (कम्पनी कार्य विभाग) के आदेश संख्या कां० आ० 2810 तारीख 24 जुलाई, 1976 का अधिक्रमण करते हुये, केन्द्रीय सरकार प्ररूप 49 को, जो कि उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) के अधीन अनुज्ञप्ति या अनुज्ञा के लिए आवेदन के प्ररूप के रूप में विनिर्दिष्ट है, उस प्ररूप के रूप में विनिर्दिष्ट करती है जिसमें एकाधिकारी तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) के अधीन सूचना उन सभी उपक्रमों के संबंध में दी जाएगी जो इन आदेश की अनुसूची में विनिर्दिष्ट अद्योगों में लागू हुए हैं और अपनी समस्त अनुज्ञप्ति अमला के अन्तर्गत उन अद्योगों में अपने कार्यकालों का परिवर्तन करते हैं।

#### अनुसूची

1. मशीनी उद्योग
2. मशीन और औजार उद्योग
3. मशीनी उद्योग से मशीन औजार उद्योग में तथा उनके विपरीत
4. विद्युत उपकरण उद्योग (अनुसूचित उद्योग) 5(1) और 5(2)
5. सोमेट विनिर्माताओं द्वारा सोमेट मशीनों का तैयार किया जाना
6. दात्राकार उद्योग
7. अफेस मिश्र धातुएं, सोमेट उद्योग
8. इस्पात पाइप और ट्यूब उद्योग
9. दो पहियों वाली गाड़ी उद्योग

[कां० सं० 38/12/76-सं० एन० 5]

कास्त मणि शर्मा, अवरोधक सचिव

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS****(Department of Company Affairs)**

New Delhi, the 4th March, 1977

**ORDER**

**S.O. 803.**—Whereas the Central Government is of opinion that it is necessary and expedient so to do in the public interest ;

Now, therefore, in exercise of the powers conferred by sub-rule (5) of rule 5 of the Monopolies and Restrictive Trade Practices Rules, 1970, and in supersession of the Order of the Government of India in the Ministry of Law, Justice and Company Affairs, (Department of Company Affairs) No. S.O. 2810, dated the 24th July, 1976, the Central Government hereby specifies Form IL, which has been prescribed as the application form for licence or permission under the Industries (Development and Regulation) Act, 1951 (65 of 1951), as the Form in which a notice under sub-section (1) of section 21 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), shall be given in respect of all undertakings engaged in the industries specified in the Schedule to this Order and diversifying their activities in those industries within their over-all licensed capacity.

**SCHEDULE**

1. Machinery Industry.
2. Machine Tool Industries.
3. Machine Industry to Machine Tool Industry and vice-versa.

4. Electrical Equipment Industry [Scheduled Industry 5(1) and 5(2)].
5. Fabrication of Cement machinery by cement manufacturers.
6. Passenger Car Industry.
7. Non-ferrous alloys, Semis Industries.
8. Steel pipes and tubes Industry.
9. Two-wheeler Industry.

[File No. 38/12/76-CL.V]

K. M. SHARMA, Under Secy.

**MINISTRY OF INDUSTRY****(Department of Industrial Development)**

New Delhi, the 28th February, 1977

**ERRATA**

**S.O. 804.**—In this Ministry's Notification published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 5th February, 1977 at page 546, Column 2 under S.O. 459 at serial No. 7 read "Shri Revi Karuna Karan" in place of "Shri Revi Karuna".

[No. 16(1)/76-C&amp;S(ICC)]

S. N. GHOSH, Dy. Director (IC)